

MINUTES

**Ad Hoc Committee on Billboards
Tuesday, March 10, 1998 – 10:00 a.m.
Tenth Floor Conference Room
Lansing City Hall**

Call To Order

Councilmember Allen called the meeting to order at 10:15 a.m.

Roll Call

Carol Wood, West Town Redevelopment
Ed Liebler, Chamber of Commerce
Steve Springer, American Lung Association
Don Diskey, Ingham County health Department
Jim Ruff, Planning Division
Jon Kane, Adam's Advertising
Melissa Randt, Adam's Advertising
Jack Roberts, Law Department
Lorenzo Lopez, COCO's
Dave Patterson, PATTCO
Robert Ford, Landscape Architect
Ron Wilson, Council Staff
Tina Gallante, Council Staff

Public Comment on Agenda Items

No public comment was given.

DISCUSSION/ACTION

Alcohol Advertisement

Ms. Randt began by indicating that the industry has already, voluntarily, set a 500 foot setback rule from churches, parks, schools, etc. for any alcohol or tobacco advertisement. They are opposed to the total ban because they feel that they have already willingly agreed to this setback and are mindful of the issue.

The Committee engaged in conversation relative to how many alcohol-advertising boards are currently in place. Mr. Wilson responded that as of December 1997, there were 15 out of 344 billboard faces for alcohol. Upon further discussion, it was suggested to invite representatives from the industry to participate in the Committee's work.

Ms. Randt added this is a "content restriction" for which they are opposed. First it was started with cigarettes, then tobacco, and now possibly alcohol and then what. It violates the Freedom of Speech matter and she does not want the advertising businesses to be limited. It is a fundamental issue.

Councilmember Allen questioned the legal restriction on banning alcohol advertising. Mr. Roberts advised that the US Supreme Court, in a case in Rhode Island, struck down a total ban for alcohol. He reviewed that the Baltimore case involved a 100 feet prohibition and was based on factual evidence. For a restriction in Lansing, it is necessary that the legislative body would have to show a need, and causal relationship for a total ban. He inquired where these signs are located in the City of Lansing. It was stated by Mr. Wilson that when he made his investigation late last year, none of the signs were closer than 1000 feet from any school, church, park, etc. Mr. Roberts pointed out that then none of these signs would be affected by a possible 1000 feet restriction.

Councilmember Allen suggested that representatives from the alcohol industry be invited in to the next meeting to discuss the matter.

ADJOURN

The meeting was adjourned at 10:55 a.m.

Submitted by,

Tina M. Gallante
Administrative Secretary
Lansing City Council

Approved by Committee.

Signed by:

Sandy Allen, Chair

Jim

AGENDA

**Ad Hoc Committee on Billboards
Tuesday, March 10, 1998 -- 10:00 a.m.
Tenth Floor Conference Room
Lansing City Hall**

Councilmember Sandy Allen, Chair

1. **CALL TO ORDER** 10:10
2. **ROLL CALL** *in*
3. **PUBLIC COMMENT ON AGENDA ITEMS**
4. **DISCUSSION/ACTION**
 - A. Alcohol Advertisement
5. **OTHER**
6. **ADJOURN**

Committee

Date _____

PHONE

CITY of LANSING
INTEROFFICE COMMUNICATION

TO: Billboard Committee Members, Council Member Allen, Chair

FROM: Jim Ruff, Zoning Administrator (X 4085)



CC: File

Date: March 8, 1998

RE: "Off-Premise" vs. "On-Premise" Signs

A *billboard* is defined as "any display sign which contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located" [Section 1442.02(6) of the Sign Code] and is many times referred as an "off-premise" sign. An on-premise sign is not defined in the sign code but may be derived from the definition of a billboard.

Based upon this definition, a *billboard* becomes an on-premise sign and is required to conform to the regulations of a *ground/pole sign* when it contains a message related to or advertising a business transacted or goods sold or produced on the premises on which the sign is located. As such, a *billboard* is typically too large to qualify as an on premise sign and many times another *ground/pole sign* exists or it is on a roof top, any of which would disqualify it to become an on-premise sign according to the Sign Code.

Feb.,1998 \ Lansing Billboard Content
Scenic Michigan Review
Proposed City of Lansing Billboard Ordinance Revision

Content:	%	Lansing Ads:	Non - Lansing Ads:
Alcohol:	4.1	-	14
Banking \ Finance	7.0	24	-
Commercial:			
Auto Sales \ Repair:	3.8	13	-
Insurance:	3.6	12	-
Home Improvement:	.6	2	-
Other Commercial:	16.6	28	29
Communications:	-	-	-
Gas Stations:	.9	3	-
Gov. Services \ Programs:	9.3	12	20
Education Services \ Prog.:	5.0	17	-
Food \ Stores:	9.6	33	-
Health Care:	7.3	25	-
Lodging:	-	-	-
Media:	2.3	8	-
Misc.:	2.0	7	-
Non – Profits	3.5	12	-
Outdoor Advertising:	1.2	4	-
Political:	-	-	-

Feb.,1998 \ Lansing Billboard Content
Scenic Michigan Review
Proposed City of Lansing Billboard Ordinance Revision

Content:	%	Lansing Ads:	Non - Lansing Ads:
Recreation:	6.7	23	-
Restaurants:	3.5	12	-
Special Events:	2.3	8	-
Tobacco:	7.9	-	27
Blank:	2.9	10	-
		253	90
		74%	26%
		Total	343

Billboard Advertisers \ Windshield Review \ Feb. 14,1998
Scenic Michigan Review
Proposed City of Lansing Billboard Ordinance Revision

Alcohol:(14)

Amstel (1)
Canadian Mist Whiskey (7)
Kessler Whiskey (2)
Labatts Blue (4)

Banking \ financing: (24)

Citizens Bank (13)
Common Point Mortgage (2)
Community First Bank (2)
Lansing Auto Makers Credit Union (7)

Commercial:(84)

Auto Sales \ Service: (13)

Campus Ford (2)
Capitol Cadillac (3)
Jiffy Lube (1)
Kelly Jeep (4)
Liskeys Repair (1)
Mason Auto Body(1)
Spartan Toyota (1)

Insurance: (12)

Auto Owners (2)
Citizens Bank (9)
State Farm(1)

Home Improvement: (2)

Rycus Flooring (2)

Other Commercial: (57)

Belens Flowers (2)
Country Stitches (1)
Curtis Drugs (1)
Deans Milk (6)
Deja Vu Love Boutique (1)
Eyde Bros. (1)
First Class Jewelry (1)
Gillette Travel Center (3)
Hawaiian Spa (1)
Heet Motor Additive (1)
High Yield Bonds (1)

Other Commercial Con't

Jon Anthony's (4)
Kositcheks Men's \ Women's Clothing (3)
Michigan Apples (3)
M&M Candy (2)
Milk (23)
Pawnbrokers (1)
Radio Shack (1)
ZOZ (1)

Communications: (0)

Gas: (3)

Mobil (1)
Sinoco (2)

Government Programs \ Ser.: (32)

Air Force (9)
Buckle Up (2)
City Of Lansing (1)
Focus on the Family (2)
Lansing City Market (2)
Potter Park Zoo (3)
United States Marines (9)
911 (2)

Education Programs \ Ser.: (17)

Junior Achievement (3)
Lansing Catholic Schools (6)
Lansing Community College (1)
M.S.U. Museum (3)
M.S.U (1)
Waldamere Nature Center (3)

Food Sales: (33)

Kroger (2)
Meijer (1)
Quality Dairy (30)

Health Care: (25)

Crib Death (2)
Ingham Regional Medical Center (4)
Implant Dentistry of Greater Lansing (5)
Opthmologists (7)
Pearlevision (6)
PHP (1)

Lodging: (0)

Media: (8)

Classic Rock 94.1 (1)
Fox 47 T.V. (5)
Lansing State Journal (1)
WITL 100.7 (1)

Misc.: (7)

Employment Group (1)
Lansing City Club (1)
Mich. Society of Automotive Engineers \ Seat Belts (5)

Non-Profit: (12)

American Lung Assoc. (8)
United Way (3)
YMCA (1)

Outdoor Advertising: (4)

Adams (4)

Political: (0)

Recreation: (23)

Boars Head (12)
Highland Hills (1)
M.S.U. Wharton Center (10)

Restaurants: (12)

Chop Chop (2)
Manceno's (3)
Mc Donalds (3)
Point After (1)
Silver Screen Cafe (1)
Sir Pizza (1)
Wendys (1)

Special Events: (8)

Bridal Show (1)
Caravan Circus (4)
Gun, Knife Show (1)
Shipsewana Craft Sales (2)

Tobacco: (27)

Basic (7)
Kools (11)
Marlboro (5)
Winstons (4)

Blank: (10)

Adams (4)
Sky Line (1)
Outdoor Systems (5)

Jan.,1998 \ Lansing Billboard Content
Scenic Michigan Review
Proposed City of Lansing Billboard Ordinance Revision

Content:	%	Lansing Ads:	Non- Lansing Ads:
Alcohol:	3.3		11
Banking \ Finance	6.6	22	-
Commercial:			
Auto Sales \ Repair:	3.0	10	-
Insurance:	5.1	17	-
Home Improvement:	.6	2	-
Other Commercial:	16.4	55	-
Communications:	0.3	1	-
Gas Stations:	1.8	6	-
Gov. Services \ Programs:	8.6	-	29
Education Services \ Prog. :	5.1	17	-
Food \ Stores:	0.3	1	-
Health Care:	7.8	26	-
Lodging:	-	-	-
Media:	2.4	8	-
Misc.:	-	-	-
Non – Profits:	7.7	26	-
Outdoor Advertising:	0.6	2	-
Political:	-	-	-

Jan.,1998 \ Lansing Billboard Content

Scenic Michigan Review

Proposed City of Lansing Billboard Ordinance Revision

Content:	%	Lansing Ads:	Non - Lansing Ads:
Recreation:	4.7	16	-
Restaurants:	3.6	12	-
Special Events:	8.3	28	-
Tobacco:	9.9	-	33
Blank:	3.9	13	-
		262	73
		78%	22%
		Total	335

Billboard Advertisers \ Windshield Review \ Jan. 14,1998

Scenic Michigan Review

Proposed City of Lansing Billboard Ordinance Revision

Alcohol:

Amstel (1)
Canadian Mist Whiskey (1)
Kessler Whiskey (5)
Labatts Blue (3)
Southern Comfort (1)

Banking \ Financing:

Citizens Bank (10)
Common Point Mortgage (4)
Community First Bank (4)
Lansing Auto Makers Credit Union (8)

Commercial:

Auto Sales \ Service:

Campus Ford (2)
Capitol Cadillac (2)
Kelly Jeep (5)
Liskey's Repair (1)

Insurance:

Auto Owners (1)
Citizens (17)
State Farm (1)

Home Improvement:

Vankunkel \ Design Build (2)

Other Commercial:

Belens Flowers (1)
Casino (1)
Curtis Drugs (1)
Deja Vu Love Boutique (1)
Douglas J (1)
Employment Group (1)
Eydes(1)
Heet Motor Additive (2)
Jon Anthony's (4)
Kositcheks Men \ Womens Clothing (3)
Lansing Mall (9)
Linn Camera (1)
Michigan Apples (4)

Page 2

Other Commercial :con` t

Milk (11)
Old Town (2)
Pawnbrokers (7)
Radio Shack (1)
Sam, Peter and Ben (1)
Vidio to Go (1)
ZOZ (1)

Communications:

Century Cellunet (1)

Gas:

Mobil (3)
Sinoco (3)

Government Programs \ Ser.:

Air Force (7)
Drive Smart (3)
Field of Ice (1)
Lansing City Market (2)
Potter Park Zoo (3)
United States Marines (11)
911 (1)

Education Programs \ Ser.:

Greater Lansing Catholic Education Foundation (5)
Holt Adult Education (1)
Impressions Five Museum (1)
Lansing Community Collage (4)
M.S.U (2)
R E OLDS Mus. (1)
Skill Tech (1)
Woldumar (1)

Recreation:

Boarshead (6)
City Club (1)
Court 1 Athletic Club (2)
Lansing Lugnuts (1)
M.S.U. Wharton Center (4)
Pearl Jam (1)

Restaurants:

Chop Chop (4)
Mc Donalds (5)
Sir Pizza (1)
Stops (1)
Wendys (1)

Special Events:

Boat Show (3)
Bridal Show (3)
Gun, Knife Show (1)
Home Show (4)
Martin Luther King (6)
R-V Show\Lansing Center (4)
Shipsewana Craft Sales (2)
Wild Life Art Expo. (1)
Woman's Gymnastics (2)

Tobacco:

Basic (4)
Camels (2)
Koalas (12)
Marlboro (6)
Merit (1)
Rouster (4)
Winston (4)

Blank:

Adams (10)
Skyline (1)
Outdoor Systems (2)

Page 3

Food Sales:

Meijer (1)

Health Care:

Children's Hospital of Michigan (3)

Eye Care (2)

Ingham Regional Medical Center (10)

Implant Dentistry of Greater Lansing (7)

M.S.U. (1)

PHP (2)

Sparrow Hospital (1)

The Wellness Plan (2)

Lodging:

Media:

Classic Rock 94.1 (1)

Fox 47 T.V. (5)

Lansing State Journal (1)

WITL 100.7 (1)

Misc:

Non-Profit:

American Lung Assoc. (7)

Drive Sober (1)

Family Services (1)

Junior Achievement (3)

Office Of Child Support (3)

Salvation Army (2)

United Way (5)

Vol. Of America (1)

YMCA (1)

Outdoor Advertising:

Adams (2)

Political:

Dec. ,1997 \ Lansing Billboard Content
Scenic Michigan Review
Proposed City of Lansing Billboard Ordinance Revision

Content:	%	Lansing Ads:	Non - Lansing Ads:
Alcohol:	4.4	-	15
Banking \ Finance	4.4	25	-
Commercial:			
Auto Sales \ Repair:	5.2	18	-
Insurance:	4.4	15	-
Home Improvement:	0.03	1	-
Other Commercial:	20.4	70	-
Communications:	1.0	3	-
Gas Stations:	4.1	14	-
Gov. Services \ Programs:	5.8	-	20
Education Services \ Prog.:	3.2	11	-
Food \ Stores:	0.03	1	-
Health Care:	4.4	15	-
Lodging:	0.03	1	-
Media:	3.5	12	-
Misc.:	-	-	-
Non – Profits	6.4	22	-
Outdoor Advertising:	1.0	2	-
Political:	-	-	-

Dec.,1997 \ Lansing Billboard Content
Scenic Michigan Review
Proposed City of Lansing Billboard Ordinance Revision

Content:	%	Lansing Ads:	Non - Lansing Ads:
Recreation:	6.1	21	-
Restaurants:	4.7	16	-
Special Events:	5.8	20	-
Tobacco:	12.2	-	42
Blank:	2.9	10	-
	100%	267	77
		(77.7%)	(22.3%)
		Total	344

Billboard Advertisers \ Windshield Review \ Dec. 14,1997
Scenic Michigan Review
Proposed City of Lansing Billboard Ordinance Revision

Alcohol:

Amstel (1)
Canadian Mist Whiskey (5)
Kessler Whiskey (6)
Labatts Blue (2)
Southern Comfort (1)

Banking \ Financing:

Common Point Mortgage (5)
Community First Bank (4)
Lansing Auto Makers Credit Union (4)

Commercial:

Auto Sales \ Service:

Campus Ford (1)
Capitol Cadillac (2)
Frankie D (1)
Jiffy Lube (8)
Kelly Jeep (5)
Liskey's Repair (1)
Spartan Toyota (1)

Insurance:

Auto Owners (4)
Citizens Bank (15)

Home Improvement:

Rycus Flooring (1)
Vankunkel \ Design Build (1)

Other Commercial:

Barons (1)
Belens Flowers (2)
Casino (2)
Coco Cola (1)
Country Stitches (1)
Curtis Drugs (1)
Deja Vu Love Boutique (2)
Dezitz Pool (1)
Douglas J (7)
Employment Group (1)

Page 2 \ Con` t

Fairfax Homes (1)
Frاندor (5)
Heet Motor Additive (3)
Jones (3)
Jon Anthony's (4)
Kositcheks Men's \ Women's Clothing (2)
Head Of The Glass (1)
Heavenly Ham (2)
Milk (5)
Old Town (7)
Pawnbrokers (5)
Radio Shack (2)
Small Business Person (1)
Soldens (3)
ZOZ (1)

Other Commercial :con`t

Sir Pizza (4)
Video to Go (1)

Communications:

Century Cellunet (2)
State Electronics (1)

Gas:

Mobil (4)
Sinoco (10)

Government Programs \ Ser.:

Air Force (4)
Lansing City Market (2)
Police (1)
Potter Park Zoo (4)
United States Marines (8)
911 (1)

Education Programs \ Ser.:

Impressions Five Museum (6)
M.S.U (2)
R E OLDS Mus. (1)
Skill Tech (1)

Page 3

Food Sales:

Aldi Food Store (1)

Health Care:

Blue Cross (1)

Ingham Regional Medical Center (9)

Implant Dentistry of Greater Lansing (1)

PHP (2)

Sparrow Hospital (1)

The Wellness Plan (2)

Lodging:

Holiday Inn (1)

Media:

Classic Rock 94.1 (1)

Fox 47 T.V. (7)

Lansing State Journal (3)

WITL 100.7 (1)

Misc.:

Non-Profit:

American Lung Assoc. (7)

Drive Sober (1)

Family Services (1)

Lansing Food Bank (1)

Office Of Child Support (5)

Red Cross (1)

Salvation Army (2)

Vol. Of America (3)

YMCA (1)

Outdoor Advertising:

Adams (2)

Political:

Recreation:

City Club (1)
Court 1 Athletic Club (8)
Highland Hills (1)
Lansing Lugnuts (6)

Recreation con't

M.S.U. Wharton Center (3)
Sports Plex (1)

Restaurants:

Boston Market (1)
Bill Knapps (1)
Chop Chop (4)
Denneys (1)
Mc Donalds (6)
Stops (1)
Wendys (2)

Special Events:

Bridal Show (3)
Festival of Trees (3)
Gun, Knife Show (1)
Olds Classic (7)
SAM, Ben and Peter ? (1)
Shipsewana Craft Sales (2)
Woman's Gymnastics (3)

Tobacco:

Camels (4)
Kools (13)
Marlboro (6)
Merit (8)
Rouster (5)
Winstons (7)

Blank:

Adams (2)
S I (3)
Outdoor Systems (3)

Nov.,1997 \ Lansing Billboard Content
Scenic Michigan Review
Proposed City of Lansing Billboard Ordinance Revision

Content:	%	Lansing Ads:	Non - Lansing Ads:
Alcohol:	3.4	-	13
Commercial:			
Auto Sales\Repair:	6.4	24	-
Insurance:	0.7	3	-
Home Improvement:	1.0	4	-
Home Sales\Fin.:	1.3	5	-
Other Commercial:	22.0	82	-
Communications:	5.0	19	-
Gas Stations:	2.6	10	-
Gov. Services\Programs:	8.2	3	28
Education Services\Prog.:	1.9	7	-
Food \ Stores:	0.5	2	-
Health Care:	11.9	45	-
Lodging:	1.6	6	-
Media:	5.8	22	-
Misc.:	-	-	-
Outdoor Advertising:	1.0	4	-
Political:	0.3	1	-
Recreation:	-	-	-

Nov.,1997 \ Lansing Billboard Content
Scenic Michigan Review
Proposed City of Lansing Billboard Ordinance Revision

Content:	%	Lansing Ads:	Non - Lansing Ads:
Restaurants:	5.6	21	-
Special Events:	2.9	11	-
Tobacco:	15.1	-	57
Blank:	2.9	11	-
		74%	26%

Billboard Advertisers \ Windshield Review \ Nov. 14,1997
Scenic Michigan Review
Proposed City of Lansing Billboard Ordinance Revision

Alcohol:

Canadian Mist Whiskey
Kessler Whiskey
Miller Beer

Commercial:

Auto Sales \ Service:

Auto Glass Specialists
Jiffy Lube
Liskey's Repair
Kelly Jeep
Capitol Cadillac

Insurance:

Auto Owners
State Farm

Home Improvement:

Rycus Flooring
MPC Lumber

Home Financing:

Citizens Bank
Common Point Mortgage
Lansing Automakers Credit Union

Other Commercial:

AMS Computer
Belens Flowers
City of Traverse City
Coco Cola
Country Stitches
Crazy Horse Jewelry
Curtis Drugs
Deja Vu Love Boutique
Frantor Shopping Center
Heavenly Ham
Holden Reed Clothing
Kositcheks Mens \ Womens Clothing
Meridian Mall
Milk
Radio Shack
Schaffers Bread

Page 2 \ Con't

Other Commercial:con't

Sir Pizza

Video to Go

Communications:

Century Cellunet

Gas:

Sinoco

Government Programs \ Ser.:

Homeless Awareness

Potter Park Zoo

United States Marines

Education Programs \ Ser.:

Impressions Five Museum

M.S.U

Spring Arbor College

Food Sales:

Aldi Food Store

Health Care:

Blue Cross

Cancer Society

Ingham Regional Medical Center

Implant Dentistry of Greater Lansing

Michigan Dept. of Community Health

PHP

The Wellness Plan

Lodging:

Media:

Fox 47 TV

Lansing State Journal

Q 106 Radio

Misc.:

Non-Profit:

Habitat for Humanity

Red Cross

Outdoor Advertising:

Adams

Political:

State Rep. Dianne Byrum

Recreation:

Lansing Lugnuts

M.S.U. Basketball

M.S.U. Wharton Center

Restaurants:

Mancinos

Mc Donalds

WOW

Special Events:

Festival of Trees

Shipsewana Craft Sales

Tough Man Contest \ Lite Beer

Tobacco:

Basic

Kools

Marlboro

Winstons

Blank:

Oct.11, 1997 \ Lansing Billboard Content
Scenic Michigan Review
Proposed City of Lansing Billboard Ordinance Revision

Content:	%	Lansing Ads:	Non-Lans.Ads
Alcohol:	5.1	0	17
Commercial:			
Auto Sales \ Service	4.2	14	0
Insurance:	2.1	7	0
Home Improvement:	1.8	6	0
Home Financing:	2.1	5	2
Other Commercial:	9.4	30	0
Communications:	0.0	0	0
Gas:	4.3	14	0
Government Programs\Ser.	3.6	11	1
Education Programs\Ser.	5.4	15	3
Food Sales:	10.6	35	0
Health Care Services:	7.0	23	0
Lodging:	1.8	5	1
Media:	4.8	16	0
Misc.:	5.1	17	0
Outdoor Advertising:	.9	3	0
Political:	1.5	5	0
Recreation:	3.0	10	0

Scenic Michigan Review
Proposed City of Lansing Billboard Ordinance Revision
Billboard Content \ Windshield Review \ Oct.11, 1997

Con`t

Restaurants:	5.1	17	0
Special Events:	1.8	5	1
Tobacco:	17.0	0	56
Blank:	3.3	11	0

Date _____

[illegible]

Ad Hoc Committee on Billboards
Membership

Sandy Allen, Chair
483-4184

Bruce Bragg - Don Diskey
Director
Ingham County Health Dept.
5303 South Cedar St.
Lansing, MI 48910
887-4432

Drew Cataldo - Ed Liebler
LRCC
300 East Michigan Avenue
Lansing, MI 48933
487-6340

Bob Ford
Architect
Landscape Architect
809 Center Street
Lansing, MI 48906
485-5500

Larry Lopez
COCO'S
1717 North High Street
Lansing, MI 48906
372-4700

Dave Patterson
3624 Tecumseh River Drive
Lansing, MI 48906
321-2503

Melissa Randt
Real Estate Leasing Manager
Adam's Outdoor Advertising
3801 Capital City Boulevard
Lansing, MI 48906
321-2121

Steve Springer
Regional Manager/Capitol Region
American Lung Association
2117 Rolling Brook
East Lansing, MI 48823
484-4541

Carol Wood
~~Westside Neighborhood Org.~~ *town Redevelopment Assoc.*
1018 West Lapeer Street
Lansing, MI 48915
482-0213

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Committee on Development and Planning analyzed a proposed ordinance to amend the Code of Ordinances of the City of Lansing by amending chapter 1442, Section 1442.22 for the purpose of amending the Billboard Provision of the Sign Code; and

WHEREAS, the Committee on Development and Planning reviewed the concerns the public raised at the public hearing on Monday, November 24, 1997 and health studies, police and school data regarding underage use of tobacco and alcohol and analyzed maps and the existing billboards in the City of Lansing; and

WHEREAS, the Committee on Development and Planning modified the proposed ordinance in response to some of those concerns; and

WHEREAS, the Committee on Development and Planning believes that additional changes are warranted; and


NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby establishes the authority for the President of the Lansing City Council to create an Ad Hoc Committee on Billboards, that will report to the Lansing City Council within six months on its evaluation of:

- completely banning tobacco and alcohol billboards
- options to improve visual aesthetics and reduce clutter
- modifying the definitions of "on premise" and "off premise"
- providing greater input from neighbors on placement of billboards; and

BE IT FURTHER RESOLVED, the President will present the names the members of the Ad Hoc Committee to the Lansing City Council by January 20, 1998 that will include the Chairperson of the Development and Planning Committee and

- one outdoor advertising Representative
- one Scenic Michigan/MUCC Representative
- two Lansing Business Community Representatives
- two Public Health Advocacy Group Representatives
- two Neighborhood Association Representatives
- and additional representatives as the President deems are needed.

Approved for the Council Agenda

 12/12/97
James D. Smiertka
City Attorney



AVENUE, LANSING, MICHIGAN AND CONTAINING APPROXIMATELY 36 SURFACE PARKING SPACES.

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

RESOLUTION #686
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING ANALYZED A PROPOSED ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 1442, SECTION 1442.22 FOR THE PURPOSE OF AMENDING THE BILLBOARD PROVISION OF THE SIGN CODE; AND

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING REVIEWED THE CONCERNS THE PUBLIC RAISED AT THE PUBLIC HEARING ON MONDAY, NOVEMBER 24, 1997 AND HEALTH STUDIES, POLICE AND SCHOOL DATA REGARDING UNDERAGE USE OF TOBACCO AND ALCOHOL AND ANALYZED MAPS AND THE EXISTING BILLBOARDS IN THE CITY OF LANSING; AND

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING MODIFIED THE PROPOSED ORDINANCE IN RESPONSE TO SOME OF THOSE CONCERNS; AND

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING BELIEVES THAT ADDITIONAL CHANGES ARE WARRANTED; AND

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY ESTABLISHES THE AUTHORITY FOR THE PRESIDENT OF THE LANSING CITY COUNCIL TO CREATE AN AD HOC COMMITTEE ON BILLBOARDS, THAT WILL REPORT TO THE LANSING CITY COUNCIL WITHIN SIX MONTHS ON ITS EVALUATION OF:

- ▶ FURTHER RESTRICTIONS ON TOBACCO AND ALCOHOL BILLBOARDS
- ▶ OPTIONS TO IMPROVE VISUAL AESTHETICS AND REDUCE CLUTTER MODIFYING THE DEFINITIONS OF "ON PREMISE" AND "OFF PREMISE"
- ▶ PROVIDING GREATER INPUT FROM NEIGHBORS ON PLACEMENT OF BILLBOARDS
- ▶ ANY OTHER ISSUE THAT MAY ARISE DURING THE COURSE OF THE EVALUATION; AND

BE IT FURTHER RESOLVED, THE PRESIDENT WILL PRESENT THE NAMES THE MEMBERS OF THE AD HOC COMMITTEE TO THE LANSING CITY COUNCIL BY JANUARY 20, 1998 THAT WILL INCLUDE THE CHAIRPERSON OF THE DEVELOPMENT AND PLANNING COMMITTEE AND

- ▶ ONE OUTDOOR ADVERTISING REPRESENTATIVE

- ▶ ONE SCENIC MICHIGAN/MUCC REPRESENTATIVE
- ▶ TWO LANSING BUSINESS COMMUNITY REPRESENTATIVES
- ▶ TWO PUBLIC HEALTH ADVOCACY GROUP REPRESENTATIVES
- ▶ TWO NEIGHBORHOOD ASSOCIATION REPRESENTATIVES
- ▶ AND ADDITIONAL REPRESENTATIVES AS THE PRESIDENT DEEMS ARE NEEDED.

BY COUNCILMEMBER LILLY

TO ACCEPT A SUBSTITUTE RESOLUTION FOR THE ORIGINAL RESOLUTION CONTAINED IN THE CITY COUNCIL PACKET, AND TO PLACE AN AFFIRMATIVE ROLL ON THE SUBSTITUTE RESOLUTION

CARRIED UNANIMOUSLY

~~THIS RESOLUTION WAS PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER BENAVIDES~~
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, AT A MEETING OF THE GENERAL SERVICES COMMITTEE HELD ON DECEMBER 11, 1997, THE COMMITTEE CONSIDERED THE APPEAL OF GEORGE GRABOWSKI, OF THE AMOUNT OF THE STORMWATER ENTERPRISE FEE ASSESSED WITH RESPECT TO PARCEL No.3305-03-126-071-7; COMMONLY KNOWN AS 1434 EAST JOLLY ROAD, LANSING, MICHIGAN; AND

WHEREAS, THE COMMITTEE HEARD FROM A REPRESENTATIVE OF THE PUBLIC SERVICE DEPARTMENT WITH RESPECT TO THE RESULTS OF ITS INVESTIGATION OF PARCEL No.3305-03-126-071-7 AND ITS REVIEW OF THE PRELIMINARY APPEAL OF GEORGE GRABOWSKI WITH RESPECT TO THE STORMWATER ENTERPRISE FUND FEE BILLED TO THE DESCRIBED PROPERTY; AND

WHEREAS, THE COMMITTEE IS OF THE OPINION THAT THERE IS SUBSTANTIAL EVIDENCE ON THE RECORD AS A WHOLE THAT A REDUCTION BASED ON THE AMOUNT OF CONTRIBUTION TO THE SYSTEM FROM THE STORMWATER ENTERPRISE FUND FEE WITH RESPECT TO PARCEL No.3305-03-126-071-7 IS WARRANTED; AND

WHEREAS, THE MEMBERS OF THE COMMITTEE VOTED UNANIMOUSLY THAT A REDUCTION BASED ON THE AMOUNT OF CONTRIBUTION TO THE SYSTEM FROM THE STORMWATER ENTERPRISE FUND FEE AND CREDIT FOR PAYMENT OF SPECIAL ASSESSMENT ARE WARRANTED;

NOW THEREFORE BE IT RESOLVED, THAT THE AMOUNT OF THE STORMWATER ENTERPRISE FUND FEE WITH RESPECT TO PARCEL No. 3305-03-126-071-7 BE REDUCED FROM \$9,078.67 TO \$5,067.46 AND BE CREDITED FOR SPECIAL ASSESSMENTS PAID IN 1995 AND 1996 AND THAT, IN THE REDUCTIONS.

NAYS: NONE

ABSENT: NONE

ORDINANCE #2419

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT THE DISTRICT MAPS ADOPTED BY AND INCORPORATED AS SECTION 1246.02 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING, MICHIGAN BE AMENDED TO PROVIDE AS FOLLOWS:

TO CHANGE THE ZONING CLASSIFICATION ON THE PROPERTY DESCRIBED AS FOLLOWS:

CASE NUMBER: Z-22-97, VACANT LAND 1100 BLK. E. MILLER (S. SIDE)

PARCEL NUMBERS: PPN 3305-10-126-081
COM 504.3 FT W OF N 1/4 POST, TH W 114.5 FT, S 330 FT, E 114.5 FT, N 330 FT TO BEG; SEC 10 T3N R2W CITY OF LANSING, INGHAM COUNTY, MICHIGAN.

FROM "A" RESIDENTIAL TO "G-2" WHOLESALE DISTRICT

SECTION 2. ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 3. THIS ORDINANCE SHALL TAKE EFFECT THIRTY (30) DAYS FROM ITS PASSAGE UNLESS GIVEN IMMEDIATE EFFECT BY THE CITY COUNCIL.

MARILYNN SLADE, CITY CLERK

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

BY COUNCILMEMBER NOVAK

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 1442, SECTION 1442.22, OF THE SIGN CODE RELATING TO BILLBOARDS FOR THE PURPOSE OF: LIMITING THE MAXIMUM HEIGHT AND WIDTH OF SIGNS, PROVIDING SETBACK AND DISTANCE REQUIREMENTS FROM CERTAIN USES AND DISTRICTS AND FROM PUBLIC RIGHTS OF WAY INTERCHANGES AND INTERSECTIONS, REDUCING ILLEGAL USE OF AND DEMAND FOR ALCOHOL AND TOBACCO PRODUCTS BY

UNDERAGE PERSONS, INCREASING THE MINIMUM DISTANCE BETWEEN BILLBOARDS, AND LIMITING THE NUMBER OF CITY BILLBOARD STRUCTURES TO 120, BUT PROVIDING FOR THE INCREASE IN THAT NUMBER BY REMOVAL OF EXISTING NON-CONFORMING BILLBOARD STRUCTURES, BE PLACED ON ORDER OF IMMEDIATE PASSAGE.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

BY COUNCILMEMBER NOVAK

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 1442, SECTION 1442.22, OF THE SIGN CODE RELATING TO BILLBOARDS FOR THE PURPOSE OF: LIMITING THE MAXIMUM HEIGHT AND WIDTH OF SIGNS, PROVIDING SETBACK AND DISTANCE REQUIREMENTS FROM CERTAIN USES AND DISTRICTS AND FROM PUBLIC RIGHTS OF WAY INTERCHANGES AND INTERSECTIONS, REDUCING ILLEGAL USE OF AND DEMAND FOR ALCOHOL AND TOBACCO PRODUCTS BY UNDERAGE PERSONS, INCREASING THE MINIMUM DISTANCE BETWEEN BILLBOARDS, AND LIMITING THE NUMBER OF CITY BILLBOARD STRUCTURES TO 120, BUT PROVIDING FOR THE INCREASE IN THAT NUMBER BY REMOVAL OF EXISTING NON-CONFORMING BILLBOARD STRUCTURES, BE NOW PASSED.

BY COUNCILMEMBER NOVAK

THAT A SUBSTITUTE ORDINANCE BE ACCEPTED TO REPLACE THE ORIGINAL CONTAINED IN THE COUNCIL PACKET

CARRIED UNANIMOUSLY

BY COUNCILMEMBER NOVAK

THAT THE FOLLOWING AMENDMENTS TO THE SUBSTITUTE ORDINANCE BE ACCEPTED AS FRIENDLY

-IN SECTION 1442.22(A) IN THE FIRST LINE TO DELETE THE WORDS "AND ALCOHOL", AND IN THE SECOND LINE TO DELETE THE WORDS "ALCOHOL AND"

-IN SECTION 1442.22(B) IN THE LAST LINE TO DELETE THE WORDS "HEALTH", "AND", AND "WELFARE"

-IN SECTION 1442.22(L) IN THE FIRST LINE TO DELETE THE WORDS "ALCOHOL AND"

-IN SECTION 1442.22(L) (1) IN THE LAST LINE TO DELETE "INTERSTATE HIGHWAY" AND TO INSERT "I-96 AND I-496 EXCLUDING BUSINESS LOOPS;" AND,

TO PLACE AN AFFIRMATIVE ROLL ON THE SUBSTITUTE ORDINANCE AS AMENDED

ADOPTED BY THE FOLLOWING VOTE:

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL,
BENAVIDES, JONES, LEEMAN, LILLY, NOVAK

NAYS: None

ABSENT: None

BY COUNCILMEMBER NOVAK

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY, SHALL TAKE EFFECT UPON ITS PASSAGE.

CARRIED UNANIMOUSLY

ORDINANCE #979

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND SECTION 1442.22 OF CHAPTER 1442 OF THE CODIFIED ORDINANCES OF LANSING, MICHIGAN REGARDING BILLBOARD SIGNS TO: REVISE THE STATEMENT OF PURPOSE; LIMIT THE MAXIMUM HEIGHT AND WIDTH OF SIGNS; PROVIDE SETBACK AND DISTANCE REQUIREMENTS FROM CERTAIN USES AND DISTRICTS AND FROM PUBLIC RIGHTS OF WAY INTERCHANGES AND INTERSECTIONS; TO REDUCE ILLEGAL USE OF AND DEMAND FOR TOBACCO PRODUCTS BY UNDERAGE PERSONS, THROUGH RESTRICTIONS ON ADVERTISING OF TOBACCO PRODUCTS; INCREASE THE MINIMUM DISTANCE BETWEEN BILLBOARDS; AND LIMIT THE NUMBER OF CITY BILLBOARD STRUCTURES TO 120 BUT PROVIDE FOR THE INCREASE IN THIS NUMBER BY REMOVAL OF EXISTING NONCONFORMING BILLBOARD STRUCTURES.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT SECTION 1442.22 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING, MICHIGAN BE AMENDED TO READ AS FOLLOWS:

1442.22 BILLBOARDS

(A) FINDING OF FACT REGARDING TOBACCO USE BY MINORS AND BILLBOARD ADVERTISING OF TOBACCO PRODUCTS. IT IS HEREBY FOUND AND DECLARED THAT:

(1) OUTDOOR ADVERTISEMENTS ARE A UNIQUE AND DISTINGUISHABLE MEDIUM OF ADVERTISING WHICH SUBJECTS THE GENERAL PUBLIC TO INVOLUNTARY AND UNAVOIDABLE FORMS OF SOLICITATION, AS THE SUPREME COURT RECOGNIZED IN PACKER CORPORATION V. UTAH, 285 U.S. 105 (1932) BY CITING WITH APPROVAL THE FOLLOWING EXCERPT FROM THE OPINION OF THE UTAH SUPREME COURT:

ADVERTISEMENTS OF THIS SORT ARE CONSTANTLY BEFORE THE EYES OF OBSERVERS ON THE STREETS ... TO BE SEEN WITHOUT THE EXERCISE OF CHOICE OR VOLITION ON THEIR PART. OTHER FORMS OF ADVERTISING ARE ORDINARILY SEEN AS A MATTER OF CHOICE ON THE PART OF THE OBSERVER. THE YOUNG PEOPLE AS WELL AS THE ADULTS HAVE THE MESSAGE OF THE BILLBOARD THRUST UPON THEM BY ALL THE ARTS AND DEVICES THAT SKILL CAN PRODUCE. IN THE CASE OF NEWSPAPERS AND MAGAZINES, THERE MUST BE SOME SEEKING BY THE ONE WHO IS TO SEE AND READ THE ADVERTISEMENT. THE RADIO CAN BE TURNED OFF, BUT NOT SO THE BILLBOARD ... THESE DISTINCTIONS CLEARLY PLACE THIS KIND OF ADVERTISEMENT IN A POSITION TO BE CLASSIFIED SO THAT REGULATIONS OR PROHIBITIONS MAY BE IMPOSED UPON ALL WITHIN THE CLASS. THIS IS IMPOSSIBLE WITH RESPECT TO NEWSPAPERS AND MAGAZINES.

(2) THE SUPREME COURT AND OTHER COURTS HAVE RECOGNIZED THE POSITIVE RELATIONSHIP BETWEEN ADVERTISING AND CONSUMPTION AS REGARDS A VARIETY OF GOODS AND SERVICES, SUCH AS ELECTRICITY, SEE, CENTRAL HUDSON GAS & ELEC. V. PUB. SERV. COMM'N. 447 U.S. 557, 569 (1980) ("THERE IS AN IMMEDIATE CONNECTION BETWEEN ADVERTISING AND DEMAND FOR ELECTRICITY. CENTRAL HUDSON WOULD NOT CONTEST THE ADVERTISING BAN UNLESS IT BELIEVED THAT PROMOTION WOULD INCREASE ITS SALE."); GAMBLING, SEE POSADES DE PUERTO RICO ASSOC. V. TOURISM CO. OF PUERTO RICO, 478 U.S. 328, 341-42 (1986) ("THE PUERTO RICO LEGISLATURE OBVIOUSLY BELIEVED, WHEN IT ENACTED THE ADVERTISING RESTRICTIONS AT ISSUE HERE, THAT ADVERTISING OF CASINO GAMBLING AIMED AT THE RESIDENTS OF PUERTO RICO WOULD SERVE TO INCREASE THE DEMAND FOR THE PRODUCT ADVERTISED. WE THINK THE LEGISLATURE'S BELIEF IS A REASONABLE ONE..."; CIGARETTES, SEE CAPITAL BROADCASTING CO. V. MITCHELL, 33 F. SUPP. 582, 586 (D.D.C. 1971) (THREE-JUDGE COURT) (NOTING "CLOSE RELATIONSHIP BETWEEN CIGARETTE COMMERCIALS BROADCAST ON THE ELECTRONIC MEDIA AND THEIR POTENTIAL INFLUENCE ON YOUNG PEOPLE.") AFF'D PER CURIAM, 405 U.S. 1000 (1972); AND ALCOHOL, SEE DUNAGIN V. CITY OF OXFORD, 718 F.2D 738, 747-51 (1983) (EXTENSIVELY REVIEWING EVIDENCE ON CONNECTION BETWEEN LIQUOR ADVERTISING AND CONSUMPTION AND REJECTING INTERBRAND COMPETITION ARGUMENT), CERT. DEN., 104 S. CT. 3533 (1984);

(3) NINETY PERCENT (90%) OF ALL NEW SMOKERS ARE AGE 18 AND YOUNGER. IN TWO

SURVEYS, AT LEAST 86% OF TEEN SMOKERS SMOKED ONLY ONE OF THREE BRANDS - MARLBORO, CAMEL OR NEWPORT. TEEN CIGARETTE SMOKING IS AN EARLY WARNING SIGN FOR OTHER ILLEGAL YOUTH BEHAVIOR. TEENS WHO SMOKE ARE THREE TIMES MORE LIKELY THAN NONSMOKERS TO USE ALCOHOL, EIGHT TIMES MORE LIKELY TO USE MARIJUANA, AND 22 TIMES MORE LIKELY TO USE COCAINE. THE AVERAGE SMOKER STARTS SMOKING AT AGE 13 AND BECOMES A DAILY SMOKER BY AGE 14 1/2.

(4) THE CONSUMPTION OF TOBACCO BY MINORS IS ILLEGAL IN THE CITY OF LANSING.

(5) DESPITE THE ILLEGALITY OF TOBACCO CONSUMPTION, THE USE OF TOBACCO IS PREVALENT AMONG CITY OF LANSING YOUTH.

(6) INCREASED ILLEGAL TOBACCO CONSUMPTION AMONG LANSING YOUTH ALSO CONTRIBUTES TO INCREASED USE OF OTHER ILLEGAL DRUGS AND TRUANCY.

(7) TOBACCO BILLBOARD ADVERTISING IN THE CITY OF LANSING IS PREVALENT AND DISPROPORTIONATELY HIGHER THAN TOBACCO BILLBOARD ADVERTISING IN THE REMAINDER OF INGHAM COUNTY.

(8) THE VAST MAJORITY OF LANSING BILLBOARDS, WITH THE EXCEPTION OF THOSE LOCATED ON HIGHWAYS, ARE LOCATED ON ARTERIALS USED BY LANSING SCHOOL CHILDREN FOR SCHOOL TRAVEL.

(9) TOBACCO BILLBOARD ADVERTISING INEVITABLY RESULTS IN INCREASED ILLEGAL TOBACCO CONSUMPTION BY LANSING YOUTH.

(10) DUE TO THE PREVALENCE OF TOBACCO BILLBOARD ADVERTISING IN LANSING, AS WELL AS THE LOCATION OF LANSING SCHOOLS ACCESSIBLE BY MAJOR ARTERIALS, IT IS IMPOSSIBLE FOR LANSING YOUTH TO AVOID TOBACCO BILLBOARD EXPOSURE.

(11) IN RECOGNITION OF THE LEGITIMATE BUSINESS INTERESTS, AS WELL AS FIRST AMENDMENT RIGHTS OF TOBACCO MANUFACTURERS, THIS ORDINANCE DOES NOT RESTRICT LESS INTRUSIVE ADVERTISING OR TOBACCO ADVERTISING ON INTERSTATE HIGHWAYS.

(12) THIS ORDINANCE ALSO ADDRESSES THE LEGITIMATE LAND USE ISSUES REGARDING THE PROLIFERATION OF BILLBOARDS IN THE CITY, IRRESPECTIVE OF THEIR CONTENT.

(B) STATEMENT OF PURPOSE. THE PURPOSE OF THIS SECTION IS TO PROMOTE COMMERCE YET LIMIT THE VISUAL IMPACT OF OUTDOOR ADVERTISING SIGNS ON THE CITY; TO REDUCE DEMAND FOR AND USE OF TOBACCO PRODUCTS BY UNDERAGE PERSONS; TO IMPROVE THE APPEARANCE OF THE CITY; TO ENHANCE THE URBAN VISUAL QUALITY OF NEW AND OLDER BUSINESS AREAS; TO INSURE COMPATIBILITY BETWEEN OUTDOOR ADVERTISING SIGNS AND ADJACENT LAND USES; TO LIMIT THE IMPACT OF ADVERTISING SIGNS IN TERMS OF VISUAL SIGN CLUTTER AND CONFUSION IN THE

COMMUNITY; TO MINIMIZE DANGER TO THE PUBLIC SAFETY THROUGH DIVERTING DRIVER ATTENTION FROM THE ROAD; TO ENSURE APPROPRIATE PROPORTIONAL SCALE WITH ADJACENT LAND USES AND ADJACENT ON PREMISE SIGNAGE; TO PROMOTE SIGNAGE THAT IS AT EYE LEVEL AND CAN BE READILY VIEWED FROM MOVING VEHICLES WITH THE LEAST AMOUNT OF EYE DISTRACTION; AND OTHERWISE ASSURE THE PUBLIC SAFETY OF THE COMMUNITY.

(C) PERMITTED ZONING DISTRICTS. BILLBOARDS ARE PERMITTED ONLY IN THE F COMMERCIAL, G-2 WHOLESALE, H LIGHT INDUSTRIAL AND I HEAVY INDUSTRIAL DISTRICTS, AS WELL AS UNZONED AREAS IF CONTIGUOUS PROPERTIES ARE ZONED F, G-2, H OR I, AND IF ALL OTHER REQUIREMENTS ARE MET.

(D) AREA OF BILLBOARDS.

(1) BILLBOARDS ON A MAJOR/PRINCIPAL ARTERIAL AS DEFINED BY THE CITY'S MASTER PLAN, AS AMENDED FROM TIME TO TIME, SHALL NOT EXCEED FOURTEEN FEET IN HEIGHT BY FORTY-EIGHT FEET IN WIDTH AND ALLOWED A MAXIMUM OF 672 SQUARE FEET OF SIGN AREA. A TEMPORARY EXTENSION COMPRISING OF TWENTY PERCENT OF THE ALLOWABLE AREA MAY BE ADDED, PROVIDING THE EXTENSION DOES NOT EXTEND FIVE FEET BEYOND THE PERIMETER OF THE SIGN.

(2) BILLBOARDS ON A MINOR ARTERIAL AS DEFINED BY THE CITY'S MASTER PLAN, AS AMENDED FROM TIME TO TIME, ARE ALLOWED A MAXIMUM 300 SQUARE FEET OF SIGN AREA.

(E) SETBACK.

(1) NO BILLBOARD SHALL BE LOCATED WITHIN 250 FEET OF THE CENTER OF ANY INTERSECTION OF TWO MAJOR/PRINCIPAL ARTERIALS OR MINOR ARTERIAL, AS DEFINED BY THE CITY'S MASTER PLAN, AS AMENDED FROM TIME TO TIME.

(2) IN THOSE ZONE DISTRICTS WHERE PERMITTED, BILLBOARDS SHALL NOT BE CLOSER TO ANY RESIDENTIAL DISTRICT THAN A DISTANCE OF 200 FEET, OR CLOSER THAN 200 FEET TO THE NEAREST PROPERTY LINE OF ANY PARK, LIBRARY, SCHOOL, CHURCH, HISTORIC DISTRICT OR HOSPITAL. THIS DISTANCE WILL BE MEASURED FROM THE CLOSEST PART OF THE BILLBOARD TO THE NEAREST DISTRICT OR USE REFERENCED HERE.

(3) BILLBOARDS MUST COMPLY WITH THE SETBACK REQUIREMENTS OF THE ZONING DISTRICT IN WHICH THEY ARE LOCATED, AND NO BILLBOARD OR ANY PORTION THEREOF SHALL PROJECT OVER THE PUBLIC RIGHT OF WAY OR PUBLIC PROPERTY.

(F) LOCATION. BILLBOARDS ARE ONLY ALLOWED ON MAJOR/PRINCIPAL ARTERIALS, INCLUDING INTERSTATE HIGHWAYS OR FREEWAYS, AND ON MINOR ARTERIALS, AS DEFINED BY THE CITY'S MASTER PLAN, AS AMENDED FROM TIME TO TIME.

(G) TEMPORARY PORTABLE BILLBOARD. TEMPORARY

PORTABLE BILLBOARDS MAY BE APPROVED BY PERMIT FOR SPECIFIED TIME PERIODS.

(H) DISTANCE FROM OTHER BILLBOARDS. BILLBOARDS SHALL COMPLY WITH SPACING REQUIREMENTS OF FEDERAL AND STATE REGULATIONS, AND IN NO CASE SHALL A BILLBOARD BE PERMITTED TO BE ERECTED OR CONSTRUCTED WITH 1000 FEET OF ANY OTHER BILLBOARD WHICH MAY BE VIEWED FROM THE SAME ROAD.

(I) HEIGHT. THE MAXIMUM HEIGHT TO THE TOP OF ANY BILLBOARD SHALL BE THIRTY-FIVE FEET. UNLESS OTHERWISE PROHIBITED, BILLBOARDS LOCATED ON INTERSTATE EXPRESSWAYS SHALL BE ALLOWED TO ACHIEVE A HEIGHT OF TWENTY-FIVE FEET ABOVE THE PAVEMENT GRADE REGARDLESS OF THE TOTAL HEIGHT OF THE BILLBOARD.

(J) ILLUMINATION. THE LIGHT RAYS FROM ANY BILLBOARD WHICH IS EXTERNALLY ILLUMINATED SHALL BE CAST UPON THE BILLBOARD AND SHALL NOT BE VISIBLE TO MOTOR VEHICLE OPERATORS, EXCEPT AS MAY BE REFLECTED FROM THE FACE OF THE BILLBOARD. NO FLASHING ILLUMINATION IS ALLOWED.

(K) NUMBER. NO ADDITIONAL BILLBOARD STRUCTURE SHALL BE ERECTED WHEN THE NUMBER OF BILLBOARD STRUCTURES IN THE CITY EXCEEDS 120. WHEN THE 120 BILLBOARD STRUCTURE LIMIT IS EXCEEDED, A PERMIT MAY BE GRANTED FOR ONE NEW BILLBOARD STRUCTURE FOR EVERY TWO (2) NON-CONFORMING BILLBOARD STRUCTURES THE APPLICANT REMOVES IN THE CITY. THE NEW BILLBOARD STRUCTURE SHALL NOT HAVE MORE THAN TWO (2) BILLBOARD FACES. THE LIMITATION UPON THE ERECTION OF NEW BILLBOARD STRUCTURES SHALL NOT BE IN EFFECT WHEN THERE ARE LESS THAN 120 BILLBOARD STRUCTURES IN THE CITY.

(L) TOBACCO PRODUCTS.

(1) EFFECTIVE ON JANUARY 1, 1999, NO BILLBOARD TOBACCO ADVERTISING SHALL BE ALLOWED IN THE CITY OF LANSING WITH THE EXCEPTION OF BILLBOARD TOBACCO ADVERTISEMENTS LOCATED SUCH THAT THEY ARE VIEWED PRIMARILY FROM I-96 AND I-496, EXCLUDING BUSINESS LOOPS.

(2) THE SIGN MESSAGE PROHIBITED BY THIS SUBSECTION (L) IS NOT ENTITLED TO BE CONSIDERED "NONCONFORMING" AND THE MESSAGE SHALL NOT BE ACCORDED NONCONFORMING STATUS PROVIDED IN THIS CHAPTER.

SECTION 2. ALL ORDINANCES, RESOLUTIONS OR RULES, PARTS OF ORDINANCES, RESOLUTIONS OR RULES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 3. SHOULD ANY SECTION, CLAUSE OR PHRASE

OF THIS ORDINANCE BE DECLARED TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE, OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE INVALID.

SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY CITY COUNCIL.

GIVEN IMMEDIATE EFFECT BY MOTION OF COUNCILMEMBER NOVAK

MARILYNN SLADE, CITY CLERK

OTHER BUSINESS

► PUBLIC COMMENT ON CITY RELATED MATTERS

BETTY KOST OF 1425 MCINTYRE CRT. COMMENDED AND COMPLIMENTED COUNCILMEMBER JONES. HE HAS GIVEN GENEROUSLY FOR FIELD TRIPS FOR THE CHILDREN OF THIS COMMUNITY. HE HAS GIVEN MONEY GENEROUSLY FOR BOWLING EVENTS AND FOR ART SUPPLIES. COUNCIL IS LOSING ONE OF THE VERY BEST MEMBERS IT HAS EVER HAD.

CARL HUMPHREY OF 524 S. CHESTNUT SAID THAT HE HAS KNOWN AND WORKED WITH MR. WIENER FOR OVER 8 YEARS. MR. WIENER NEEDS A NAME PLAQUE FOR HIS PLACE AT THESE MEETINGS. HE WISHED A HAPPY HOLIDAYS TO EVERYONE.

LLOYD TEETS OF 116 E. ELM ST. CRITICIZED COUNCILMEMBER NOVAK FOR THE WORK HE HAS DONE DURING HIS TERM ON CITY COUNCIL, BUT WISHED HIM LUCK IN THE FUTURE. HE COMPLIMENTED COUNCILMEMBER LILLY AND SAID THAT HE WILL BE SORELY MISSED. HE SAID THAT THERE HAS NOT BEEN A COUNCILMEMBER IN 9 YEARS THAT CARED MORE ABOUT PEOPLE THAN COUNCILMEMBER JONES. HE CARES FOR ALL KINDS OF PEOPLE, THE ELDERLY, NEIGHBORHOOD GROUPS, AND KIDS. HIS DEFEAT AT THE POLLS IS A GREAT LOSS FOR THE CITY.

ALBERTA JORDAN OF 1649 GREENCREST IN E. LANSING SAID THAT SHE HAS ASKED FOR A WRITTEN STATEMENT FROM THE MAYOR'S OFFICE WITH REGARD TO THE COMPLAINT SHE FILED AGAINST A MEMBER OF THE MAYOR'S STAFF.

HELEN FISER OF 12100 S. CORK RD. IN MORRICE THANKED COUNCIL FOR TAKING ACTION TONIGHT TO PULL THE GRABOWSKI STORMWATER SETTLEMENT FROM THE AGENDA. SHE CAUTIONED COUNCILMEMBER BENAVIDES NOT TO FORGET WHO HE IS DEALING WITH. SHE DOES NOT MAKE CHARGES THAT SHE CANNOT BACK UP IN WRITING. SHE UNDERSTANDS WHAT SHE IS DOING, AND WHAT SHE IS UP AGAINST.

CHARLENE DECKER OF 2711 PLEASANT GROVE RD. COMMENDED COUNCILMEMBER JONES ON HIS INTEGRITY AND HONESTY.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Committee on Development and Planning analyzed a proposed ordinance to amend the Code of Ordinances of the City of Lansing by amending chapter 1442, Section 1442.22 for the purpose of amending the Billboard Provision of the Sign Code; and

WHEREAS, the Committee on Development and Planning reviewed the concerns the public raised at the public hearing on Monday, November 24, 1997 and health studies, police and school data regarding underage use of tobacco and alcohol and analyzed maps and the existing billboards in the City of Lansing; and

WHEREAS, the Committee on Development and Planning modified the proposed ordinance in response to some of those concerns; and

WHEREAS, the Committee on Development and Planning believes that additional changes are warranted; and

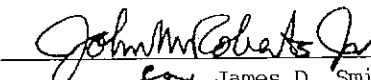
NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby establishes the authority for the President of the Lansing City Council to create an Ad Hoc Committee on Billboards, that will report to the Lansing City Council within six months on its evaluation of:

- completely banning tobacco and alcohol billboards
- options to improve visual aesthetics and reduce clutter
- modifying the definitions of "on premise" and "off premise"
- providing greater input from neighbors on placement of billboards; and

BE IT FURTHER RESOLVED, the President will present the names the members of the Ad Hoc Committee to the Lansing City Council by January 20, 1998 that will include the Chairperson of the Development and Planning Committee and

- one outdoor advertising Representative
- one Scenic Michigan/MUCC Representative
- two Lansing Business Community Representatives
- two Public Health Advocacy Group Representatives
- two Neighborhood Association Representatives
- and additional representatives as the President deems are needed.

Approved for the Council Agenda

 12/12/97
James D. Smiertka
City Attorney

Date _____

[illegible]

AVENUE, LANSING, MICHIGAN AND CONTAINING APPROXIMATELY 36 SURFACE PARKING SPACES.

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

RESOLUTION #686
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING ANALYZED A PROPOSED ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 1442, SECTION 1442.22 FOR THE PURPOSE OF AMENDING THE BILLBOARD PROVISION OF THE SIGN CODE; AND

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING REVIEWED THE CONCERNS THE PUBLIC RAISED AT THE PUBLIC HEARING ON MONDAY, NOVEMBER 24, 1997 AND HEALTH STUDIES, POLICE AND SCHOOL DATA REGARDING UNDERAGE USE OF TOBACCO AND ALCOHOL AND ANALYZED MAPS AND THE EXISTING BILLBOARDS IN THE CITY OF LANSING; AND

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING MODIFIED THE PROPOSED ORDINANCE IN RESPONSE TO SOME OF THOSE CONCERNS; AND

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING BELIEVES THAT ADDITIONAL CHANGES ARE WARRANTED; AND

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY ESTABLISHES THE AUTHORITY FOR THE PRESIDENT OF THE LANSING CITY COUNCIL TO CREATE AN AD HOC COMMITTEE ON BILLBOARDS, THAT WILL REPORT TO THE LANSING CITY COUNCIL WITHIN SIX MONTHS ON ITS EVALUATION OF:

- ▶ FURTHER RESTRICTIONS ON TOBACCO AND ALCOHOL BILLBOARDS
- ▶ OPTIONS TO IMPROVE VISUAL AESTHETICS AND REDUCE CLUTTER MODIFYING THE DEFINITIONS OF "ON PREMISE" AND "OFF PREMISE"
- ▶ PROVIDING GREATER INPUT FROM NEIGHBORS ON PLACEMENT OF BILLBOARDS
- ▶ ANY OTHER ISSUE THAT MAY ARISE DURING THE COURSE OF THE EVALUATION; AND

BE IT FURTHER RESOLVED, THE PRESIDENT WILL PRESENT THE NAMES THE MEMBERS OF THE AD HOC COMMITTEE TO THE LANSING CITY COUNCIL BY JANUARY 20, 1998 THAT WILL INCLUDE THE CHAIRPERSON OF THE DEVELOPMENT AND PLANNING COMMITTEE AND

- ▶ ONE OUTDOOR ADVERTISING REPRESENTATIVE

- ▶ ONE SCENIC MICHIGAN/MUCC REPRESENTATIVE
- ▶ TWO LANSING BUSINESS COMMUNITY REPRESENTATIVES
- ▶ TWO PUBLIC HEALTH ADVOCACY GROUP REPRESENTATIVES
- ▶ TWO NEIGHBORHOOD ASSOCIATION REPRESENTATIVES
- ▶ AND ADDITIONAL REPRESENTATIVES AS THE PRESIDENT DEEMS ARE NEEDED.

BY COUNCILMEMBER LILLY

TO ACCEPT A SUBSTITUTE RESOLUTION FOR THE ORIGINAL RESOLUTION CONTAINED IN THE CITY COUNCIL PACKET, AND TO PLACE AN AFFIRMATIVE ROLL ON THE SUBSTITUTE RESOLUTION

CARRIED UNANIMOUSLY

~~THIS RESOLUTION WAS PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER BENAVIDES BY THE COMMITTEE ON GENERAL SERVICES RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING~~

WHEREAS, AT A MEETING OF THE GENERAL SERVICES COMMITTEE HELD ON DECEMBER 11, 1997, THE COMMITTEE CONSIDERED THE APPEAL OF GEORGE GRABOWSKI, OF THE AMOUNT OF THE STORMWATER ENTERPRISE FEE ASSESSED WITH RESPECT TO PARCEL No.3305-03-126-071-7; COMMONLY KNOWN AS 1434 EAST JOLLY ROAD, LANSING, MICHIGAN; AND

WHEREAS, THE COMMITTEE HEARD FROM A REPRESENTATIVE OF THE PUBLIC SERVICE DEPARTMENT WITH RESPECT TO THE RESULTS OF ITS INVESTIGATION OF PARCEL No.3305-03-126-071-7 AND ITS REVIEW OF THE PRELIMINARY APPEAL OF GEORGE GRABOWSKI WITH RESPECT TO THE STORMWATER ENTERPRISE FUND FEE BILLED TO THE DESCRIBED PROPERTY; AND

WHEREAS, THE COMMITTEE IS OF THE OPINION THAT THERE IS SUBSTANTIAL EVIDENCE ON THE RECORD AS A WHOLE THAT A REDUCTION BASED ON THE AMOUNT OF CONTRIBUTION TO THE SYSTEM FROM THE STORMWATER ENTERPRISE FUND FEE WITH RESPECT TO PARCEL No.3305-03-126-071-7 IS WARRANTED; AND

WHEREAS, THE MEMBERS OF THE COMMITTEE VOTED UNANIMOUSLY THAT A REDUCTION BASED ON THE AMOUNT OF CONTRIBUTION TO THE SYSTEM FROM THE STORMWATER ENTERPRISE FUND FEE AND CREDIT FOR PAYMENT OF SPECIAL ASSESSMENT ARE WARRANTED;

NOW THEREFORE BE IT RESOLVED, THAT THE AMOUNT OF THE STORMWATER ENTERPRISE FUND FEE WITH RESPECT TO PARCEL No. 3305-03-126-071-7 BE REDUCED FROM \$9,078.67 TO \$5,067.46 AND BE CREDITED FOR SPECIAL ASSESSMENTS PAID IN 1995 AND 1996 AND THAT, IN THE REDUCTIONS,

NAYS: NONE

ABSENT: NONE

ORDINANCE #2419

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT THE DISTRICT MAPS ADOPTED BY AND INCORPORATED AS SECTION 1246.02 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING, MICHIGAN BE AMENDED TO PROVIDE AS FOLLOWS:

TO CHANGE THE ZONING CLASSIFICATION ON THE PROPERTY DESCRIBED AS FOLLOWS:

CASE NUMBER: Z-22-97, VACANT LAND 1100 BLK. E. MILLER (S. SIDE)

PARCEL NUMBERS: PPN 3305-10-126-081
COM 504.3 FT W OF N 1/4
POST, TH W 114.5 FT, S 330
FT, E 114.5 FT, N 330 FT TO
BEG; SEC 10 T3N R2W CITY OF
LANSING, INGHAM COUNTY,
MICHIGAN.

FROM "A" RESIDENTIAL TO "G-2" WHOLESALE DISTRICT

SECTION 2. ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 3. THIS ORDINANCE SHALL TAKE EFFECT THIRTY (30) DAYS FROM ITS PASSAGE UNLESS GIVEN IMMEDIATE EFFECT BY THE CITY COUNCIL.

MARILYNN SLADE, CITY CLERK

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

BY COUNCILMEMBER NOVAK

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 1442, SECTION 1442.22, OF THE SIGN CODE RELATING TO BILLBOARDS FOR THE PURPOSE OF: LIMITING THE MAXIMUM HEIGHT AND WIDTH OF SIGNS, PROVIDING SETBACK AND DISTANCE REQUIREMENTS FROM CERTAIN USES AND DISTRICTS AND FROM PUBLIC RIGHTS OF WAY INTERCHANGES AND INTERSECTIONS, REDUCING ILLEGAL USE OF AND DEMAND FOR ALCOHOL AND TOBACCO PRODUCTS BY

UNDERAGE PERSONS, INCREASING THE MINIMUM DISTANCE BETWEEN BILLBOARDS, AND LIMITING THE NUMBER OF CITY BILLBOARD STRUCTURES TO 120, BUT PROVIDING FOR THE INCREASE IN THAT NUMBER BY REMOVAL OF EXISTING NON-CONFORMING BILLBOARD STRUCTURES, BE PLACED ON ORDER OF IMMEDIATE PASSAGE.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

BY COUNCILMEMBER NOVAK

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 1442, SECTION 1442.22, OF THE SIGN CODE RELATING TO BILLBOARDS FOR THE PURPOSE OF: LIMITING THE MAXIMUM HEIGHT AND WIDTH OF SIGNS, PROVIDING SETBACK AND DISTANCE REQUIREMENTS FROM CERTAIN USES AND DISTRICTS AND FROM PUBLIC RIGHTS OF WAY INTERCHANGES AND INTERSECTIONS, REDUCING ILLEGAL USE OF AND DEMAND FOR ALCOHOL AND TOBACCO PRODUCTS BY UNDERAGE PERSONS, INCREASING THE MINIMUM DISTANCE BETWEEN BILLBOARDS, AND LIMITING THE NUMBER OF CITY BILLBOARD STRUCTURES TO 120, BUT PROVIDING FOR THE INCREASE IN THAT NUMBER BY REMOVAL OF EXISTING NON-CONFORMING BILLBOARD STRUCTURES, BE NOW PASSED.

BY COUNCILMEMBER NOVAK

THAT A SUBSTITUTE ORDINANCE BE ACCEPTED TO REPLACE THE ORIGINAL CONTAINED IN THE COUNCIL PACKET

CARRIED UNANIMOUSLY

BY COUNCILMEMBER NOVAK

THAT THE FOLLOWING AMENDMENTS TO THE SUBSTITUTE ORDINANCE BE ACCEPTED AS FRIENDLY

-IN SECTION 1442.22(A) IN THE FIRST LINE TO DELETE THE WORDS "AND ALCOHOL", AND IN THE SECOND LINE TO DELETE THE WORDS "ALCOHOL AND"

-IN SECTION 1442.22(B) IN THE LAST LINE TO DELETE THE WORDS "HEALTH", "AND", AND "WELFARE"

-IN SECTION 1442.22(L) IN THE FIRST LINE TO DELETE THE WORDS "ALCOHOL AND"

-IN SECTION 1442.22(L) (1) IN THE LAST LINE TO DELETE "INTERSTATE HIGHWAY" AND TO INSERT I-96 AND I-496 EXCLUDING BUSINESS LOOPS;" AND,

TO PLACE AN AFFIRMATIVE ROLL ON THE SUBSTITUTE ORDINANCE AS AMENDED

ADOPTED BY THE FOLLOWING VOTE:

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL,
BENAVIDES, JONES, LEEMAN, LILLY, NOVAK

NAYS: NONE

ABSENT: NONE

BY COUNCILMEMBER NOVAK

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY, SHALL TAKE EFFECT UPON ITS PASSAGE.

CARRIED UNANIMOUSLY

ORDINANCE #979

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND SECTION 1442.22 OF CHAPTER 1442 OF THE CODIFIED ORDINANCES OF LANSING, MICHIGAN REGARDING BILLBOARD SIGNS TO: REVISE THE STATEMENT OF PURPOSE; LIMIT THE MAXIMUM HEIGHT AND WIDTH OF SIGNS; PROVIDE SETBACK AND DISTANCE REQUIREMENTS FROM CERTAIN USES AND DISTRICTS AND FROM PUBLIC RIGHTS OF WAY INTERCHANGES AND INTERSECTIONS; TO REDUCE ILLEGAL USE OF AND DEMAND FOR TOBACCO PRODUCTS BY UNDERAGE PERSONS, THROUGH RESTRICTIONS ON ADVERTISING OF TOBACCO PRODUCTS; INCREASE THE MINIMUM DISTANCE BETWEEN BILLBOARDS; AND LIMIT THE NUMBER OF CITY BILLBOARD STRUCTURES TO 120 BUT PROVIDE FOR THE INCREASE IN THIS NUMBER BY REMOVAL OF EXISTING NONCONFORMING BILLBOARD STRUCTURES.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT SECTION 1442.22 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING, MICHIGAN BE AMENDED TO READ AS FOLLOWS:

1442.22 BILLBOARDS

(A) FINDING OF FACT REGARDING TOBACCO USE BY MINORS AND BILLBOARD ADVERTISING OF TOBACCO PRODUCTS. IT IS HEREBY FOUND AND DECLARED THAT:

(1) OUTDOOR ADVERTISEMENTS ARE A UNIQUE AND DISTINGUISHABLE MEDIUM OF ADVERTISING WHICH SUBJECTS THE GENERAL PUBLIC TO INVOLUNTARY AND UNAVOIDABLE FORMS OF SOLICITATION, AS THE SUPREME COURT RECOGNIZED IN PACKER CORPORATION v. UTAH, 285 U.S. 105 (1932) BY CITING WITH APPROVAL THE FOLLOWING EXCERPT FROM THE OPINION OF THE UTAH SUPREME COURT:

ADVERTISEMENTS OF THIS SORT ARE CONSTANTLY BEFORE THE EYES OF OBSERVERS ON THE STREETS ... TO BE SEEN WITHOUT THE EXERCISE OF CHOICE OR VOLITION ON THEIR PART. OTHER FORMS OF ADVERTISING ARE ORDINARILY SEEN AS A MATTER OF CHOICE ON THE PART OF THE OBSERVER. THE YOUNG PEOPLE AS WELL AS THE ADULTS HAVE THE MESSAGE OF THE BILLBOARD THRUST UPON THEM BY ALL THE ARTS AND DEVICES THAT SKILL CAN PRODUCE. IN THE CASE OF NEWSPAPERS AND MAGAZINES, THERE MUST BE SOME SEEKING BY THE ONE WHO IS TO SEE AND READ THE ADVERTISEMENT. THE RADIO CAN BE TURNED OFF, BUT NOT SO THE BILLBOARD ... THESE DISTINCTIONS CLEARLY PLACE THIS KIND OF ADVERTISEMENT IN A POSITION TO BE CLASSIFIED SO THAT REGULATIONS OR PROHIBITIONS MAY BE IMPOSED UPON ALL WITHIN THE CLASS. THIS IS IMPOSSIBLE WITH RESPECT TO NEWSPAPERS AND MAGAZINES.

(2) THE SUPREME COURT AND OTHER COURTS HAVE RECOGNIZED THE POSITIVE RELATIONSHIP BETWEEN ADVERTISING AND CONSUMPTION AS REGARDS A VARIETY OF GOODS AND SERVICES, SUCH AS ELECTRICITY, SEE, CENTRAL HUDSON GAS & ELEC. v. PUB. SERV. COMM'N. 447 U.S. 557, 569 (1980) ("THERE IS AN IMMEDIATE CONNECTION BETWEEN ADVERTISING AND DEMAND FOR ELECTRICITY. CENTRAL HUDSON WOULD NOT CONTEST THE ADVERTISING BAN UNLESS IT BELIEVED THAT PROMOTION WOULD INCREASE ITS SALE."); GAMBLING, SEE POSADES DE PUERTO RICO ASSOC. v. TOURISM CO. OF PUERTO RICO, 478 U.S. 328, 341-42 (1986) ("THE PUERTO RICO LEGISLATURE OBVIOUSLY BELIEVED, WHEN IT ENACTED THE ADVERTISING RESTRICTIONS AT ISSUE HERE, THAT ADVERTISING OF CASINO GAMBLING AIMED AT THE RESIDENTS OF PUERTO RICO WOULD SERVE TO INCREASE THE DEMAND FOR THE PRODUCT ADVERTISED. WE THINK THE LEGISLATURE'S BELIEF IS A REASONABLE ONE..."; CIGARETTES, SEE CAPITAL BROADCASTING CO. v. MITCHELL, 33 F. SUPP. 582, 586 (D.D.C. 1971) (THREE-JUDGE COURT) (NOTING "CLOSE RELATIONSHIP BETWEEN CIGARETTE COMMERCIALS BROADCAST ON THE ELECTRONIC MEDIA AND THEIR POTENTIAL INFLUENCE ON YOUNG PEOPLE.") AFF'D PER CURIAM, 405 U.S. 1000 (1972); AND ALCOHOL, SEE DUNAGIN v. CITY OF OXFORD, 718 F.2D 738, 747-51 (1983) (EXTENSIVELY REVIEWING EVIDENCE ON CONNECTION BETWEEN LIQUOR ADVERTISING AND CONSUMPTION AND REJECTING INTERBRAND COMPETITION ARGUMENT), CERT. DEN., 104 S. CT. 3533 (1984);

(3) NINETY PERCENT (90%) OF ALL NEW SMOKERS ARE AGE 18 AND YOUNGER. IN TWO

SURVEYS, AT LEAST 86% OF TEEN SMOKERS SMOKED ONLY ONE OF THREE BRANDS - MARLBORO, CAMEL OR NEWPORT. TEEN CIGARETTE SMOKING IS AN EARLY WARNING SIGN FOR OTHER ILLEGAL YOUTH BEHAVIOR. TEENS WHO SMOKE ARE THREE TIMES MORE LIKELY THAN NONSMOKERS TO USE ALCOHOL, EIGHT TIMES MORE LIKELY TO USE MARIJUANA, AND 22 TIMES MORE LIKELY TO USE COCAINE. THE AVERAGE SMOKER STARTS SMOKING AT AGE 13 AND BECOMES A DAILY SMOKER BY AGE 14 1/2.

(4) THE CONSUMPTION OF TOBACCO BY MINORS IS ILLEGAL IN THE CITY OF LANSING.

(5) DESPITE THE ILLEGALITY OF TOBACCO CONSUMPTION, THE USE OF TOBACCO IS PREVALENT AMONG CITY OF LANSING YOUTH.

(6) INCREASED ILLEGAL TOBACCO CONSUMPTION AMONG LANSING YOUTH ALSO CONTRIBUTES TO INCREASED USE OF OTHER ILLEGAL DRUGS AND TRUANCY.

(7) TOBACCO BILLBOARD ADVERTISING IN THE CITY OF LANSING IS PREVALENT AND DISPROPORTIONATELY HIGHER THAN TOBACCO BILLBOARD ADVERTISING IN THE REMAINDER OF INGHAM COUNTY.

(8) THE VAST MAJORITY OF LANSING BILLBOARDS, WITH THE EXCEPTION OF THOSE LOCATED ON HIGHWAYS, ARE LOCATED ON ARTERIALS USED BY LANSING SCHOOL CHILDREN FOR SCHOOL TRAVEL.

(9) TOBACCO BILLBOARD ADVERTISING INEVITABLY RESULTS IN INCREASED ILLEGAL TOBACCO CONSUMPTION BY LANSING YOUTH.

(10) DUE TO THE PREVALENCE OF TOBACCO BILLBOARD ADVERTISING IN LANSING, AS WELL AS THE LOCATION OF LANSING SCHOOLS ACCESSIBLE BY MAJOR ARTERIALS, IT IS IMPOSSIBLE FOR LANSING YOUTH TO AVOID TOBACCO BILLBOARD EXPOSURE.

(11) IN RECOGNITION OF THE LEGITIMATE BUSINESS INTERESTS, AS WELL AS FIRST AMENDMENT RIGHTS OF TOBACCO MANUFACTURERS, THIS ORDINANCE DOES NOT RESTRICT LESS INTRUSIVE ADVERTISING OR TOBACCO ADVERTISING ON INTERSTATE HIGHWAYS.

(12) THIS ORDINANCE ALSO ADDRESSES THE LEGITIMATE LAND USE ISSUES REGARDING THE PROLIFERATION OF BILLBOARDS IN THE CITY, IRRESPECTIVE OF THEIR CONTENT.

(B) STATEMENT OF PURPOSE. THE PURPOSE OF THIS SECTION IS TO PROMOTE COMMERCE YET LIMIT THE VISUAL IMPACT OF OUTDOOR ADVERTISING SIGNS ON THE CITY; TO REDUCE DEMAND FOR AND USE OF TOBACCO PRODUCTS BY UNDERAGE PERSONS; TO IMPROVE THE APPEARANCE OF THE CITY; TO ENHANCE THE URBAN VISUAL QUALITY OF NEW AND OLDER BUSINESS AREAS; TO INSURE COMPATIBILITY BETWEEN OUTDOOR ADVERTISING SIGNS AND ADJACENT LAND USES; TO LIMIT THE IMPACT OF ADVERTISING SIGNS IN TERMS OF VISUAL SIGN CLUTTER AND CONFUSION IN THE

COMMUNITY; TO MINIMIZE DANGER TO THE PUBLIC SAFETY THROUGH DIVERTING DRIVER ATTENTION FROM THE ROAD; TO ENSURE APPROPRIATE PROPORTIONAL SCALE WITH ADJACENT LAND USES AND ADJACENT ON PREMISE SIGNAGE; TO PROMOTE SIGNAGE THAT IS AT EYE LEVEL AND CAN BE READILY VIEWED FROM MOVING VEHICLES WITH THE LEAST AMOUNT OF EYE DISTRACTION; AND OTHERWISE ASSURE THE PUBLIC SAFETY OF THE COMMUNITY.

(C) PERMITTED ZONING DISTRICTS. BILLBOARDS ARE PERMITTED ONLY IN THE F COMMERCIAL, G-2 WHOLESALE, H LIGHT INDUSTRIAL AND I HEAVY INDUSTRIAL DISTRICTS, AS WELL AS UNZONED AREAS IF CONTIGUOUS PROPERTIES ARE ZONED F, G-2, H OR I, AND IF ALL OTHER REQUIREMENTS ARE MET.

(D) AREA OF BILLBOARDS.

(1) BILLBOARDS ON A MAJOR/PRINCIPAL ARTERIAL AS DEFINED BY THE CITY'S MASTER PLAN, AS AMENDED FROM TIME TO TIME, SHALL NOT EXCEED FOURTEEN FEET IN HEIGHT BY FORTY-EIGHT FEET IN WIDTH AND ALLOWED A MAXIMUM OF 672 SQUARE FEET OF SIGN AREA. A TEMPORARY EXTENSION COMPRISING OF TWENTY PERCENT OF THE ALLOWABLE AREA MAY BE ADDED, PROVIDING THE EXTENSION DOES NOT EXTEND FIVE FEET BEYOND THE PERIMETER OF THE SIGN.

(2) BILLBOARDS ON A MINOR ARTERIAL AS DEFINED BY THE CITY'S MASTER PLAN, AS AMENDED FROM TIME TO TIME, ARE ALLOWED A MAXIMUM 300 SQUARE FEET OF SIGN AREA.

(E) SETBACK.

(1) NO BILLBOARD SHALL BE LOCATED WITHIN 250 FEET OF THE CENTER OF ANY INTERSECTION OF TWO MAJOR/PRINCIPAL ARTERIALS OR MINOR ARTERIAL, AS DEFINED BY THE CITY'S MASTER PLAN, AS AMENDED FROM TIME TO TIME.

(2) IN THOSE ZONE DISTRICTS WHERE PERMITTED, BILLBOARDS SHALL NOT BE CLOSER TO ANY RESIDENTIAL DISTRICT THAN A DISTANCE OF 200 FEET, OR CLOSER THAN 200 FEET TO THE NEAREST PROPERTY LINE OF ANY PARK, LIBRARY, SCHOOL, CHURCH, HISTORIC DISTRICT OR HOSPITAL. THIS DISTANCE WILL BE MEASURED FROM THE CLOSEST PART OF THE BILLBOARD TO THE NEAREST DISTRICT OR USE REFERENCED HERE.

(3) BILLBOARDS MUST COMPLY WITH THE SETBACK REQUIREMENTS OF THE ZONING DISTRICT IN WHICH THEY ARE LOCATED, AND NO BILLBOARD OR ANY PORTION THEREOF SHALL PROJECT OVER THE PUBLIC RIGHT OF WAY OR PUBLIC PROPERTY.

(F) LOCATION. BILLBOARDS ARE ONLY ALLOWED ON MAJOR/PRINCIPAL ARTERIALS, INCLUDING INTERSTATE HIGHWAYS OR FREEWAYS, AND ON MINOR ARTERIALS, AS DEFINED BY THE CITY'S MASTER PLAN, AS AMENDED FROM TIME TO TIME.

(G) TEMPORARY PORTABLE BILLBOARD. TEMPORARY

PORTABLE BILLBOARDS MAY BE APPROVED BY PERMIT FOR SPECIFIED TIME PERIODS.

(H) DISTANCE FROM OTHER BILLBOARDS. BILLBOARDS SHALL COMPLY WITH SPACING REQUIREMENTS OF FEDERAL AND STATE REGULATIONS, AND IN NO CASE SHALL A BILLBOARD BE PERMITTED TO BE ERECTED OR CONSTRUCTED WITH 1000 FEET OF ANY OTHER BILLBOARD WHICH MAY BE VIEWED FROM THE SAME ROAD.

(I) HEIGHT. THE MAXIMUM HEIGHT TO THE TOP OF ANY BILLBOARD SHALL BE THIRTY-FIVE FEET. UNLESS OTHERWISE PROHIBITED, BILLBOARDS LOCATED ON INTERSTATE EXPRESSWAYS SHALL BE ALLOWED TO ACHIEVE A HEIGHT OF TWENTY-FIVE FEET ABOVE THE PAVEMENT GRADE REGARDLESS OF THE TOTAL HEIGHT OF THE BILLBOARD.

(J) ILLUMINATION. THE LIGHT RAYS FROM ANY BILLBOARD WHICH IS EXTERNALLY ILLUMINATED SHALL BE CAST UPON THE BILLBOARD AND SHALL NOT BE VISIBLE TO MOTOR VEHICLE OPERATORS, EXCEPT AS MAY BE REFLECTED FROM THE FACE OF THE BILLBOARD. NO FLASHING ILLUMINATION IS ALLOWED.

(K) NUMBER. NO ADDITIONAL BILLBOARD STRUCTURE SHALL BE ERECTED WHEN THE NUMBER OF BILLBOARD STRUCTURES IN THE CITY EXCEEDS 120. WHEN THE 120 BILLBOARD STRUCTURE LIMIT IS EXCEEDED, A PERMIT MAY BE GRANTED FOR ONE NEW BILLBOARD STRUCTURE FOR EVERY TWO (2) NON-CONFORMING BILLBOARD STRUCTURES THE APPLICANT REMOVES IN THE CITY. THE NEW BILLBOARD STRUCTURE SHALL NOT HAVE MORE THAN TWO (2) BILLBOARD FACES. THE LIMITATION UPON THE ERECTION OF NEW BILLBOARD STRUCTURES SHALL NOT BE IN EFFECT WHEN THERE ARE LESS THAN 120 BILLBOARD STRUCTURES IN THE CITY.

(L) TOBACCO PRODUCTS.

(1) EFFECTIVE ON JANUARY 1, 1999, NO BILLBOARD TOBACCO ADVERTISING SHALL BE ALLOWED IN THE CITY OF LANSING WITH THE EXCEPTION OF BILLBOARD TOBACCO ADVERTISEMENTS LOCATED SUCH THAT THEY ARE VIEWED PRIMARILY FROM I-96 AND I-496, EXCLUDING BUSINESS LOOPS.

(2) THE SIGN MESSAGE PROHIBITED BY THIS SUBSECTION (L) IS NOT ENTITLED TO BE CONSIDERED "NONCONFORMING" AND THE MESSAGE SHALL NOT BE ACCORDED NONCONFORMING STATUS PROVIDED IN THIS CHAPTER.

SECTION 2. ALL ORDINANCES, RESOLUTIONS OR RULES, PARTS OF ORDINANCES, RESOLUTIONS OR RULES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 3. SHOULD ANY SECTION, CLAUSE OR PHRASE

OF THIS ORDINANCE BE DECLARED TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE, OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE INVALID.

SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY CITY COUNCIL.

GIVEN IMMEDIATE EFFECT BY MOTION OF COUNCILMEMBER NOVAK

MARILYNN SLADE, CITY CLERK

OTHER BUSINESS

► PUBLIC COMMENT ON CITY RELATED MATTERS

BETTY KOST OF 1425 MCINTYRE CRT. COMMENDED AND COMPLIMENTED COUNCILMEMBER JONES. HE HAS GIVEN GENEROUSLY FOR FIELD TRIPS FOR THE CHILDREN OF THIS COMMUNITY. HE HAS GIVEN MONEY GENEROUSLY FOR BOWLING EVENTS AND FOR ART SUPPLIES. COUNCIL IS LOSING ONE OF THE VERY BEST MEMBERS IT HAS EVER HAD.

CARL HUMPHREY OF 524 S. CHESTNUT SAID THAT HE HAS KNOWN AND WORKED WITH MR. WIENER FOR OVER 8 YEARS. MR. WIENER NEEDS A NAME PLAQUE FOR HIS PLACE AT THESE MEETINGS. HE WISHED A HAPPY HOLIDAYS TO EVERYONE.

LLOYD TEETS OF 116 E. ELM ST. CRITICIZED COUNCILMEMBER NOVAK FOR THE WORK HE HAS DONE DURING HIS TERM ON CITY COUNCIL, BUT WISHED HIM LUCK IN THE FUTURE. HE COMPLIMENTED COUNCILMEMBER LILLY AND SAID THAT HE WILL BE SORELY MISSED. HE SAID THAT THERE HAS NOT BEEN A COUNCILMEMBER IN 9 YEARS THAT CARED MORE ABOUT PEOPLE THAN COUNCILMEMBER JONES. HE CARES FOR ALL KINDS OF PEOPLE, THE ELDERLY, NEIGHBORHOOD GROUPS, AND KIDS. HIS DEFEAT AT THE POLLS IS A GREAT LOSS FOR THE CITY.

ALBERTA JORDAN OF 1649 GREENCREST IN E. LANSING SAID THAT SHE HAS ASKED FOR A WRITTEN STATEMENT FROM THE MAYOR'S OFFICE WITH REGARD TO THE COMPLAINT SHE FILED AGAINST A MEMBER OF THE MAYOR'S STAFF.

HELEN FISER OF 12100 S. CORK RD. IN MORRICE THANKED COUNCIL FOR TAKING ACTION TONIGHT TO PULL THE GRABOWSKI STORMWATER SETTLEMENT FROM THE AGENDA. SHE CAUTIONED COUNCILMEMBER BENAVIDES NOT TO FORGET WHO HE IS DEALING WITH. SHE DOES NOT MAKE CHARGES THAT SHE CANNOT BACK UP IN WRITING. SHE UNDERSTANDS WHAT SHE IS DOING, AND WHAT SHE IS UP AGAINST.

CHARLENE DECKER OF 2711 PLEASANT GROVE RD. COMMENDED COUNCILMEMBER JONES ON HIS INTEGRITY AND HONESTY.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Committee on Development and Planning analyzed a proposed ordinance to amend the Code of Ordinances of the City of Lansing by amending chapter 1442, Section 1442.22 for the purpose of amending the Billboard Provision of the Sign Code; and

WHEREAS, the Committee on Development and Planning reviewed the concerns the public raised at the public hearing on Monday, November 24, 1997 and health studies, police and school data regarding underage use of tobacco and alcohol and analyzed maps and the existing billboards in the City of Lansing; and

WHEREAS, the Committee on Development and Planning modified the proposed ordinance in response to some of those concerns; and

WHEREAS, the Committee on Development and Planning believes that additional changes are warranted; and


NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby establishes the authority for the President of the Lansing City Council to create an Ad Hoc Committee on Billboards, that will report to the Lansing City Council within six months on its evaluation of:

- completely banning tobacco and alcohol billboards
- options to improve visual aesthetics and reduce clutter
- modifying the definitions of "on premise" and "off premise"
- providing greater input from neighbors on placement of billboards; and

BE IT FURTHER RESOLVED, the President will present the names the members of the Ad Hoc Committee to the Lansing City Council by January 20, 1998 that will include the Chairperson of the Development and Planning Committee and

- one outdoor advertising Representative
- one Scenic Michigan/MUCC Representative
- two Lansing Business Community Representatives
- two Public Health Advocacy Group Representatives
- two Neighborhood Association Representatives
- and additional representatives as the President deems are needed.

Approved for the Council Agenda


James D. Smiertka
City Attorney

NAYS: NONE

ABSENT: NONE

ORDINANCE #2419

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT THE DISTRICT MAPS ADOPTED BY AND INCORPORATED AS SECTION 1246.02 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING, MICHIGAN BE AMENDED TO PROVIDE AS FOLLOWS:

TO CHANGE THE ZONING CLASSIFICATION ON THE PROPERTY DESCRIBED AS FOLLOWS:

CASE NUMBER: Z-22-97, VACANT LAND 1100 BLK. E. MILLER (S. SIDE)

PARCEL NUMBERS: PPN 3305-10-126-081
COM 504.3 FT W OF N 1/4
POST, TH W 114.5 FT, S 330
FT, E 114.5 FT, N 330 FT TO
BEG; SEC 10 T3N R2W CITY OF
LANSING, INGHAM COUNTY,
MICHIGAN.

FROM "A" RESIDENTIAL TO "G-2" WHOLESALE DISTRICT

SECTION 2. ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 3. THIS ORDINANCE SHALL TAKE EFFECT THIRTY (30) DAYS FROM ITS PASSAGE UNLESS GIVEN IMMEDIATE EFFECT BY THE CITY COUNCIL.

MARILYNN SLADE, CITY CLERK

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

BY COUNCILMEMBER NOVAK

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 1442, SECTION 1442.22, OF THE SIGN CODE RELATING TO BILLBOARDS FOR THE PURPOSE OF: LIMITING THE MAXIMUM HEIGHT AND WIDTH OF SIGNS, PROVIDING SETBACK AND DISTANCE REQUIREMENTS FROM CERTAIN USES AND DISTRICTS AND FROM PUBLIC RIGHTS OF WAY INTERCHANGES AND INTERSECTIONS, REDUCING ILLEGAL USE OF AND DEMAND FOR ALCOHOL AND TOBACCO PRODUCTS BY

UNDERAGE PERSONS, INCREASING THE MINIMUM DISTANCE BETWEEN BILLBOARDS, AND LIMITING THE NUMBER OF CITY BILLBOARD STRUCTURES TO 120, BUT PROVIDING FOR THE INCREASE IN THAT NUMBER BY REMOVAL OF EXISTING NON-CONFORMING BILLBOARD STRUCTURES, BE PLACED ON ORDER OF IMMEDIATE PASSAGE.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

BY COUNCILMEMBER NOVAK

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 1442, SECTION 1442.22, OF THE SIGN CODE RELATING TO BILLBOARDS FOR THE PURPOSE OF: LIMITING THE MAXIMUM HEIGHT AND WIDTH OF SIGNS, PROVIDING SETBACK AND DISTANCE REQUIREMENTS FROM CERTAIN USES AND DISTRICTS AND FROM PUBLIC RIGHTS OF WAY INTERCHANGES AND INTERSECTIONS, REDUCING ILLEGAL USE OF AND DEMAND FOR ALCOHOL AND TOBACCO PRODUCTS BY UNDERAGE PERSONS, INCREASING THE MINIMUM DISTANCE BETWEEN BILLBOARDS, AND LIMITING THE NUMBER OF CITY BILLBOARD STRUCTURES TO 120, BUT PROVIDING FOR THE INCREASE IN THAT NUMBER BY REMOVAL OF EXISTING NON-CONFORMING BILLBOARD STRUCTURES, BE NOW PASSED.

BY COUNCILMEMBER NOVAK

THAT A SUBSTITUTE ORDINANCE BE ACCEPTED TO REPLACE THE ORIGINAL CONTAINED IN THE COUNCIL PACKET

CARRIED UNANIMOUSLY

BY COUNCILMEMBER NOVAK

THAT THE FOLLOWING AMENDMENTS TO THE SUBSTITUTE ORDINANCE BE ACCEPTED AS FRIENDLY

-IN SECTION 1442.22(A) IN THE FIRST LINE TO DELETE THE WORDS "AND ALCOHOL", AND IN THE SECOND LINE TO DELETE THE WORDS "ALCOHOL AND"

-IN SECTION 1442.22(B) IN THE LAST LINE TO DELETE THE WORDS "HEALTH", "AND", AND "WELFARE"

-IN SECTION 1442.22(L) IN THE FIRST LINE TO DELETE THE WORDS "ALCOHOL AND"

-IN SECTION 1442.22(L) (1) IN THE LAST LINE TO DELETE "INTERSTATE HIGHWAY" AND TO INSERT "I-96 AND I-496 EXCLUDING BUSINESS LOOPS;" AND,

TO PLACE AN AFFIRMATIVE ROLL ON THE SUBSTITUTE ORDINANCE AS AMENDED

ADOPTED BY THE FOLLOWING VOTE:

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL,
BENAVIDES, JONES, LEEMAN, LILLY, NOVAK

NAYS: NONE

ABSENT: NONE

BY COUNCILMEMBER NOVAK

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY, SHALL TAKE EFFECT UPON ITS PASSAGE.

CARRIED UNANIMOUSLY

ORDINANCE #979

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND SECTION 1442.22 OF CHAPTER 1442 OF THE CODIFIED ORDINANCES OF LANSING, MICHIGAN REGARDING BILLBOARD SIGNS TO: REVISE THE STATEMENT OF PURPOSE; LIMIT THE MAXIMUM HEIGHT AND WIDTH OF SIGNS; PROVIDE SETBACK AND DISTANCE REQUIREMENTS FROM CERTAIN USES AND DISTRICTS AND FROM PUBLIC RIGHTS OF WAY INTERCHANGES AND INTERSECTIONS; TO REDUCE ILLEGAL USE OF AND DEMAND FOR TOBACCO PRODUCTS BY UNDERAGE PERSONS, THROUGH RESTRICTIONS ON ADVERTISING OF TOBACCO PRODUCTS; INCREASE THE MINIMUM DISTANCE BETWEEN BILLBOARDS; AND LIMIT THE NUMBER OF CITY BILLBOARD STRUCTURES TO 120 BUT PROVIDE FOR THE INCREASE IN THIS NUMBER BY REMOVAL OF EXISTING NONCONFORMING BILLBOARD STRUCTURES.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT SECTION 1442.22 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING, MICHIGAN BE AMENDED TO READ AS FOLLOWS:

1442.22 BILLBOARDS

(A) FINDING OF FACT REGARDING TOBACCO USE BY MINORS AND BILLBOARD ADVERTISING OF TOBACCO PRODUCTS. IT IS HEREBY FOUND AND DECLARED THAT:

(1) OUTDOOR ADVERTISEMENTS ARE A UNIQUE AND DISTINGUISHABLE MEDIUM OF ADVERTISING WHICH SUBJECTS THE GENERAL PUBLIC TO INVOLUNTARY AND UNAVOIDABLE FORMS OF SOLICITATION, AS THE SUPREME COURT RECOGNIZED IN PACKER CORPORATION v. UTAH, 285 U.S. 105 (1932) BY CITING WITH APPROVAL THE FOLLOWING EXCERPT FROM THE OPINION OF THE UTAH SUPREME COURT:

ADVERTISEMENTS OF THIS SORT ARE CONSTANTLY BEFORE THE EYES OF OBSERVERS ON THE STREETS ... TO BE SEEN WITHOUT THE EXERCISE OF CHOICE OR VOLITION ON THEIR PART. OTHER FORMS OF ADVERTISING ARE ORDINARILY SEEN AS A MATTER OF CHOICE ON THE PART OF THE OBSERVER. THE YOUNG PEOPLE AS WELL AS THE ADULTS HAVE THE MESSAGE OF THE BILLBOARD THRUST UPON THEM BY ALL THE ARTS AND DEVICES THAT SKILL CAN PRODUCE. IN THE CASE OF NEWSPAPERS AND MAGAZINES, THERE MUST BE SOME SEEKING BY THE ONE WHO IS TO SEE AND READ THE ADVERTISEMENT. THE RADIO CAN BE TURNED OFF, BUT NOT SO THE BILLBOARD ... THESE DISTINCTIONS CLEARLY PLACE THIS KIND OF ADVERTISEMENT IN A POSITION TO BE CLASSIFIED SO THAT REGULATIONS OR PROHIBITIONS MAY BE IMPOSED UPON ALL WITHIN THE CLASS. THIS IS IMPOSSIBLE WITH RESPECT TO NEWSPAPERS AND MAGAZINES.

(2) THE SUPREME COURT AND OTHER COURTS HAVE RECOGNIZED THE POSITIVE RELATIONSHIP BETWEEN ADVERTISING AND CONSUMPTION AS REGARDS A VARIETY OF GOODS AND SERVICES, SUCH AS ELECTRICITY, SEE, CENTRAL HUDSON GAS & ELEC. v. PUB. SERV. COMM'N, 447 U.S. 557, 569 (1980) ("THERE IS AN IMMEDIATE CONNECTION BETWEEN ADVERTISING AND DEMAND FOR ELECTRICITY. CENTRAL HUDSON WOULD NOT CONTEST THE ADVERTISING BAN UNLESS IT BELIEVED THAT PROMOTION WOULD INCREASE ITS SALE."); GAMBLING, SEE POSADES DE PUERTO RICO ASSOC. v. TOURISM CO. OF PUERTO RICO, 478 U.S. 328, 341-42 (1986) ("THE PUERTO RICO LEGISLATURE OBVIOUSLY BELIEVED, WHEN IT ENACTED THE ADVERTISING RESTRICTIONS AT ISSUE HERE, THAT ADVERTISING OF CASINO GAMBLING AIMED AT THE RESIDENTS OF PUERTO RICO WOULD SERVE TO INCREASE THE DEMAND FOR THE PRODUCT ADVERTISED. WE THINK THE LEGISLATURE'S BELIEF IS A REASONABLE ONE..."; CIGARETTES, SEE CAPITAL BROADCASTING CO. v. MITCHELL, 33 F. SUPP. 582, 586 (D.D.C. 1971) (THREE-JUDGE COURT) (NOTING "CLOSE RELATIONSHIP BETWEEN CIGARETTE COMMERCIALS BROADCAST ON THE ELECTRONIC MEDIA AND THEIR POTENTIAL INFLUENCE ON YOUNG PEOPLE.") AFF'D PER CURIAM, 405 U.S. 1000 (1972); AND ALCOHOL, SEE DUNAGIN v. CITY OF OXFORD, 718 F.2D 738, 747-51 (1983) (EXTENSIVELY REVIEWING EVIDENCE ON CONNECTION BETWEEN LIQUOR ADVERTISING AND CONSUMPTION AND REJECTING INTERBRAND COMPETITION ARGUMENT), CERT. DEN., 104 S. CT. 3533 (1984);

(3) NINETY PERCENT (90%) OF ALL NEW SMOKERS ARE AGE 18 AND YOUNGER. IN TWO

SURVEYS, AT LEAST 86% OF TEEN SMOKERS SMOKED ONLY ONE OF THREE BRANDS - MARLBORO, CAMEL OR NEWPORT. TEEN CIGARETTE SMOKING IS AN EARLY WARNING SIGN FOR OTHER ILLEGAL YOUTH BEHAVIOR. TEENS WHO SMOKE ARE THREE TIMES MORE LIKELY THAN NONSMOKERS TO USE ALCOHOL, EIGHT TIMES MORE LIKELY TO USE MARIJUANA, AND 22 TIMES MORE LIKELY TO USE COCAINE. THE AVERAGE SMOKER STARTS SMOKING AT AGE 13 AND BECOMES A DAILY SMOKER BY AGE 14 1/2.

(4) THE CONSUMPTION OF TOBACCO BY MINORS IS ILLEGAL IN THE CITY OF LANSING.

(5) DESPITE THE ILLEGALITY OF TOBACCO CONSUMPTION, THE USE OF TOBACCO IS PREVALENT AMONG CITY OF LANSING YOUTH.

(6) INCREASED ILLEGAL TOBACCO CONSUMPTION AMONG LANSING YOUTH ALSO CONTRIBUTES TO INCREASED USE OF OTHER ILLEGAL DRUGS AND TRUANCY.

(7) TOBACCO BILLBOARD ADVERTISING IN THE CITY OF LANSING IS PREVALENT AND DISPROPORTIONATELY HIGHER THAN TOBACCO BILLBOARD ADVERTISING IN THE REMAINDER OF INGHAM COUNTY.

(8) THE VAST MAJORITY OF LANSING BILLBOARDS, WITH THE EXCEPTION OF THOSE LOCATED ON HIGHWAYS, ARE LOCATED ON ARTERIALS USED BY LANSING SCHOOL CHILDREN FOR SCHOOL TRAVEL.

(9) TOBACCO BILLBOARD ADVERTISING INEVITABLY RESULTS IN INCREASED ILLEGAL TOBACCO CONSUMPTION BY LANSING YOUTH.

(10) DUE TO THE PREVALENCE OF TOBACCO BILLBOARD ADVERTISING IN LANSING, AS WELL AS THE LOCATION OF LANSING SCHOOLS ACCESSIBLE BY MAJOR ARTERIALS, IT IS IMPOSSIBLE FOR LANSING YOUTH TO AVOID TOBACCO BILLBOARD EXPOSURE.

(11) IN RECOGNITION OF THE LEGITIMATE BUSINESS INTERESTS, AS WELL AS FIRST AMENDMENT RIGHTS OF TOBACCO MANUFACTURERS, THIS ORDINANCE DOES NOT RESTRICT LESS INTRUSIVE ADVERTISING OR TOBACCO ADVERTISING ON INTERSTATE HIGHWAYS.

(12) THIS ORDINANCE ALSO ADDRESSES THE LEGITIMATE LAND USE ISSUES REGARDING THE PROLIFERATION OF BILLBOARDS IN THE CITY, IRRESPECTIVE OF THEIR CONTENT.

(B) STATEMENT OF PURPOSE. THE PURPOSE OF THIS SECTION IS TO PROMOTE COMMERCE YET LIMIT THE VISUAL IMPACT OF OUTDOOR ADVERTISING SIGNS ON THE CITY; TO REDUCE DEMAND FOR AND USE OF TOBACCO PRODUCTS BY UNDERAGE PERSONS; TO IMPROVE THE APPEARANCE OF THE CITY; TO ENHANCE THE URBAN VISUAL QUALITY OF NEW AND OLDER BUSINESS AREAS; TO INSURE COMPATIBILITY BETWEEN OUTDOOR ADVERTISING SIGNS AND ADJACENT LAND USES; TO LIMIT THE IMPACT OF ADVERTISING SIGNS IN TERMS OF VISUAL SIGN CLUTTER AND CONFUSION IN THE

COMMUNITY; TO MINIMIZE DANGER TO THE PUBLIC SAFETY THROUGH DIVERTING DRIVER ATTENTION FROM THE ROAD; TO ENSURE APPROPRIATE PROPORTIONAL SCALE WITH ADJACENT LAND USES AND ADJACENT ON PREMISE SIGNAGE; TO PROMOTE SIGNAGE THAT IS AT EYE LEVEL AND CAN BE READILY VIEWED FROM MOVING VEHICLES WITH THE LEAST AMOUNT OF EYE DISTRACTION; AND OTHERWISE ASSURE THE PUBLIC SAFETY OF THE COMMUNITY.

(C) PERMITTED ZONING DISTRICTS. BILLBOARDS ARE PERMITTED ONLY IN THE F COMMERCIAL, G-2 WHOLESALE, H LIGHT INDUSTRIAL AND I HEAVY INDUSTRIAL DISTRICTS, AS WELL AS UNZONED AREAS IF CONTIGUOUS PROPERTIES ARE ZONED F, G-2, H OR I, AND IF ALL OTHER REQUIREMENTS ARE MET.

(D) AREA OF BILLBOARDS.

(1) BILLBOARDS ON A MAJOR/PRINCIPAL ARTERIAL AS DEFINED BY THE CITY'S MASTER PLAN, AS AMENDED FROM TIME TO TIME, SHALL NOT EXCEED FOURTEEN FEET IN HEIGHT BY FORTY-EIGHT FEET IN WIDTH AND ALLOWED A MAXIMUM OF 672 SQUARE FEET OF SIGN AREA. A TEMPORARY EXTENSION COMPRISING OF TWENTY PERCENT OF THE ALLOWABLE AREA MAY BE ADDED, PROVIDING THE EXTENSION DOES NOT EXTEND FIVE FEET BEYOND THE PERIMETER OF THE SIGN.

(2) BILLBOARDS ON A MINOR ARTERIAL AS DEFINED BY THE CITY'S MASTER PLAN, AS AMENDED FROM TIME TO TIME, ARE ALLOWED A MAXIMUM 300 SQUARE FEET OF SIGN AREA.

(E) SETBACK.

(1) NO BILLBOARD SHALL BE LOCATED WITHIN 250 FEET OF THE CENTER OF ANY INTERSECTION OF TWO MAJOR/PRINCIPAL ARTERIALS OR MINOR ARTERIAL, AS DEFINED BY THE CITY'S MASTER PLAN, AS AMENDED FROM TIME TO TIME.

(2) IN THOSE ZONE DISTRICTS WHERE PERMITTED, BILLBOARDS SHALL NOT BE CLOSER TO ANY RESIDENTIAL DISTRICT THAN A DISTANCE OF 200 FEET, OR CLOSER THAN 200 FEET TO THE NEAREST PROPERTY LINE OF ANY PARK, LIBRARY, SCHOOL, CHURCH, HISTORIC DISTRICT OR HOSPITAL. THIS DISTANCE WILL BE MEASURED FROM THE CLOSEST PART OF THE BILLBOARD TO THE NEAREST DISTRICT OR USE REFERENCED HERE.

(3) BILLBOARDS MUST COMPLY WITH THE SETBACK REQUIREMENTS OF THE ZONING DISTRICT IN WHICH THEY ARE LOCATED, AND NO BILLBOARD OR ANY PORTION THEREOF SHALL PROJECT OVER THE PUBLIC RIGHT OF WAY OR PUBLIC PROPERTY.

(F) LOCATION. BILLBOARDS ARE ONLY ALLOWED ON MAJOR/PRINCIPAL ARTERIALS, INCLUDING INTERSTATE HIGHWAYS OR FREEWAYS, AND ON MINOR ARTERIALS, AS DEFINED BY THE CITY'S MASTER PLAN, AS AMENDED FROM TIME TO TIME.

(G) TEMPORARY PORTABLE BILLBOARD. TEMPORARY

PORTABLE BILLBOARDS MAY BE APPROVED BY PERMIT FOR SPECIFIED TIME PERIODS.

(H) DISTANCE FROM OTHER BILLBOARDS. BILLBOARDS SHALL COMPLY WITH SPACING REQUIREMENTS OF FEDERAL AND STATE REGULATIONS, AND IN NO CASE SHALL A BILLBOARD BE PERMITTED TO BE ERECTED OR CONSTRUCTED WITH 1000 FEET OF ANY OTHER BILLBOARD WHICH MAY BE VIEWED FROM THE SAME ROAD.

(I) HEIGHT. THE MAXIMUM HEIGHT TO THE TOP OF ANY BILLBOARD SHALL BE THIRTY-FIVE FEET. UNLESS OTHERWISE PROHIBITED, BILLBOARDS LOCATED ON INTERSTATE EXPRESSWAYS SHALL BE ALLOWED TO ACHIEVE A HEIGHT OF TWENTY-FIVE FEET ABOVE THE PAVEMENT GRADE REGARDLESS OF THE TOTAL HEIGHT OF THE BILLBOARD.

(J) ILLUMINATION. THE LIGHT RAYS FROM ANY BILLBOARD WHICH IS EXTERNALLY ILLUMINATED SHALL BE CAST UPON THE BILLBOARD AND SHALL NOT BE VISIBLE TO MOTOR VEHICLE OPERATORS, EXCEPT AS MAY BE REFLECTED FROM THE FACE OF THE BILLBOARD. NO FLASHING ILLUMINATION IS ALLOWED.

(K) NUMBER. NO ADDITIONAL BILLBOARD STRUCTURE SHALL BE ERECTED WHEN THE NUMBER OF BILLBOARD STRUCTURES IN THE CITY EXCEEDS 120. WHEN THE 120 BILLBOARD STRUCTURE LIMIT IS EXCEEDED, A PERMIT MAY BE GRANTED FOR ONE NEW BILLBOARD STRUCTURE FOR EVERY TWO (2) NON-CONFORMING BILLBOARD STRUCTURES THE APPLICANT REMOVES IN THE CITY. THE NEW BILLBOARD STRUCTURE SHALL NOT HAVE MORE THAN TWO (2) BILLBOARD FACES. THE LIMITATION UPON THE ERECTION OF NEW BILLBOARD STRUCTURES SHALL NOT BE IN EFFECT WHEN THERE ARE LESS THAN 120 BILLBOARD STRUCTURES IN THE CITY.

(L) TOBACCO PRODUCTS.

(1) EFFECTIVE ON JANUARY 1, 1999, NO BILLBOARD TOBACCO ADVERTISING SHALL BE ALLOWED IN THE CITY OF LANSING WITH THE EXCEPTION OF BILLBOARD TOBACCO ADVERTISEMENTS LOCATED SUCH THAT THEY ARE VIEWED PRIMARILY FROM I-96 AND I-496, EXCLUDING BUSINESS LOOPS.

(2) THE SIGN MESSAGE PROHIBITED BY THIS SUBSECTION (L) IS NOT ENTITLED TO BE CONSIDERED "NONCONFORMING" AND THE MESSAGE SHALL NOT BE ACCORDED NONCONFORMING STATUS PROVIDED IN THIS CHAPTER.

SECTION 2. ALL ORDINANCES, RESOLUTIONS OR RULES, PARTS OF ORDINANCES, RESOLUTIONS OR RULES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 3. SHOULD ANY SECTION, CLAUSE OR PHRASE

OF THIS ORDINANCE BE DECLARED TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE, OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE INVALID.

SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY CITY COUNCIL.

GIVEN IMMEDIATE EFFECT BY MOTION OF COUNCILMEMBER NOVAK

MARILYNN SLADE, CITY CLERK

OTHER BUSINESS

► PUBLIC COMMENT ON CITY RELATED MATTERS

BETTY KOST OF 1425 MCINTYRE CRT. COMMENDED AND COMPLIMENTED COUNCILMEMBER JONES. HE HAS GIVEN GENEROUSLY FOR FIELD TRIPS FOR THE CHILDREN OF THIS COMMUNITY. HE HAS GIVEN MONEY GENEROUSLY FOR BOWLING EVENTS AND FOR ART SUPPLIES. COUNCIL IS LOSING ONE OF THE VERY BEST MEMBERS IT HAS EVER HAD.

CARL HUMPHREY OF 524 S. CHESTNUT SAID THAT HE HAS KNOWN AND WORKED WITH MR. WIENER FOR OVER 8 YEARS. MR. WIENER NEEDS A NAME PLAQUE FOR HIS PLACE AT THESE MEETINGS. HE WISHED A HAPPY HOLIDAYS TO EVERYONE.

LLOYD TEETS OF 116 E. ELM ST. CRITICIZED COUNCILMEMBER NOVAK FOR THE WORK HE HAS DONE DURING HIS TERM ON CITY COUNCIL, BUT WISHED HIM LUCK IN THE FUTURE. HE COMPLIMENTED COUNCILMEMBER LILLY AND SAID THAT HE WILL BE SORELY MISSED. HE SAID THAT THERE HAS NOT BEEN A COUNCILMEMBER IN 9 YEARS THAT CARED MORE ABOUT PEOPLE THAN COUNCILMEMBER JONES. HE CARES FOR ALL KINDS OF PEOPLE, THE ELDERLY, NEIGHBORHOOD GROUPS, AND KIDS. HIS DEFEAT AT THE POLLS IS A GREAT LOSS FOR THE CITY.

ALBERTA JORDAN OF 1649 GREENCREST IN E. LANSING SAID THAT SHE HAS ASKED FOR A WRITTEN STATEMENT FROM THE MAYOR'S OFFICE WITH REGARD TO THE COMPLAINT SHE FILED AGAINST A MEMBER OF THE MAYOR'S STAFF.

HELEN FISER OF 12100 S. CORK RD. IN MORRICE THANKED COUNCIL FOR TAKING ACTION TONIGHT TO PULL THE GRABOWSKI STORMWATER SETTLEMENT FROM THE AGENDA. SHE CAUTIONED COUNCILMEMBER BENAVIDES NOT TO FORGET WHO HE IS DEALING WITH. SHE DOES NOT MAKE CHARGES THAT SHE CANNOT BACK UP IN WRITING. SHE UNDERSTANDS WHAT SHE IS DOING, AND WHAT SHE IS UP AGAINST.

CHARLENE DECKER OF 2711 PLEASANT GROVE RD. COMMENDED COUNCILMEMBER JONES ON HIS INTEGRITY AND HONESTY.

AVENUE, LANSING, MICHIGAN AND CONTAINING APPROXIMATELY 36 SURFACE PARKING SPACES.

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

RESOLUTION #686
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING ANALYZED A PROPOSED ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 1442, SECTION 1442.22 FOR THE PURPOSE OF AMENDING THE BILLBOARD PROVISION OF THE SIGN CODE; AND

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING REVIEWED THE CONCERNS THE PUBLIC RAISED AT THE PUBLIC HEARING ON MONDAY, NOVEMBER 24, 1997 AND HEALTH STUDIES, POLICE AND SCHOOL DATA REGARDING UNDERAGE USE OF TOBACCO AND ALCOHOL AND ANALYZED MAPS AND THE EXISTING BILLBOARDS IN THE CITY OF LANSING; AND

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING MODIFIED THE PROPOSED ORDINANCE IN RESPONSE TO SOME OF THOSE CONCERNS; AND

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING BELIEVES THAT ADDITIONAL CHANGES ARE WARRANTED; AND

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY ESTABLISHES THE AUTHORITY FOR THE PRESIDENT OF THE LANSING CITY COUNCIL TO CREATE AN AD HOC COMMITTEE ON BILLBOARDS, THAT WILL REPORT TO THE LANSING CITY COUNCIL WITHIN SIX MONTHS ON ITS EVALUATION OF:

- ▶ FURTHER RESTRICTIONS ON TOBACCO AND ALCOHOL BILLBOARDS
- ▶ OPTIONS TO IMPROVE VISUAL AESTHETICS AND REDUCE CLUTTER MODIFYING THE DEFINITIONS OF "ON PREMISE" AND "OFF PREMISE"
- ▶ PROVIDING GREATER INPUT FROM NEIGHBORS ON PLACEMENT OF BILLBOARDS
- ▶ ANY OTHER ISSUE THAT MAY ARISE DURING THE COURSE OF THE EVALUATION; AND

BE IT FURTHER RESOLVED, THE PRESIDENT WILL PRESENT THE NAMES THE MEMBERS OF THE AD HOC COMMITTEE TO THE LANSING CITY COUNCIL BY JANUARY 20, 1998 THAT WILL INCLUDE THE CHAIRPERSON OF THE DEVELOPMENT AND PLANNING COMMITTEE AND

- ▶ ONE OUTDOOR ADVERTISING REPRESENTATIVE

- ▶ ONE SCENIC MICHIGAN/MUCC REPRESENTATIVE
- ▶ TWO LANSING BUSINESS COMMUNITY REPRESENTATIVES
- ▶ TWO PUBLIC HEALTH ADVOCACY GROUP REPRESENTATIVES
- ▶ TWO NEIGHBORHOOD ASSOCIATION REPRESENTATIVES
- ▶ AND ADDITIONAL REPRESENTATIVES AS THE PRESIDENT DEEMS ARE NEEDED.

BY COUNCILMEMBER LILLY

TO ACCEPT A SUBSTITUTE RESOLUTION FOR THE ORIGINAL RESOLUTION CONTAINED IN THE CITY COUNCIL PACKET, AND TO PLACE AN AFFIRMATIVE ROLL ON THE SUBSTITUTE RESOLUTION

CARRIED UNANIMOUSLY

~~THIS RESOLUTION WAS PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER BENAVIDES BY THE COMMITTEE ON GENERAL SERVICES RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING~~

WHEREAS, AT A MEETING OF THE GENERAL SERVICES COMMITTEE HELD ON DECEMBER 11, 1997, THE COMMITTEE CONSIDERED THE APPEAL OF GEORGE GRABOWSKI, OF THE AMOUNT OF THE STORMWATER ENTERPRISE FEE ASSESSED WITH RESPECT TO PARCEL No.3305-03-126-071-7; COMMONLY KNOWN AS 1434 EAST JOLLY ROAD, LANSING, MICHIGAN; AND

WHEREAS, THE COMMITTEE HEARD FROM A REPRESENTATIVE OF THE PUBLIC SERVICE DEPARTMENT WITH RESPECT TO THE RESULTS OF ITS INVESTIGATION OF PARCEL No.3305-03-126-071-7 AND ITS REVIEW OF THE PRELIMINARY APPEAL OF GEORGE GRABOWSKI WITH RESPECT TO THE STORMWATER ENTERPRISE FUND FEE BILLED TO THE DESCRIBED PROPERTY; AND

WHEREAS, THE COMMITTEE IS OF THE OPINION THAT THERE IS SUBSTANTIAL EVIDENCE ON THE RECORD AS A WHOLE THAT A REDUCTION BASED ON THE AMOUNT OF CONTRIBUTION TO THE SYSTEM FROM THE STORMWATER ENTERPRISE FUND FEE WITH RESPECT TO PARCEL No.3305-03-126-071-7 IS WARRANTED; AND

WHEREAS, THE MEMBERS OF THE COMMITTEE VOTED UNANIMOUSLY THAT A REDUCTION BASED ON THE AMOUNT OF CONTRIBUTION TO THE SYSTEM FROM THE STORMWATER ENTERPRISE FUND FEE AND CREDIT FOR PAYMENT OF SPECIAL ASSESSMENT ARE WARRANTED;

NOW THEREFORE BE IT RESOLVED, THAT THE AMOUNT OF THE STORMWATER ENTERPRISE FUND FEE WITH RESPECT TO PARCEL No. 3305-03-126-071-7 BE REDUCED FROM \$9,078.67 TO \$5,067.46 AND BE CREDITED FOR SPECIAL ASSESSMENTS PAID IN 1995 AND 1996 AND THAT, IN THE REDUCTIONS,

VII A

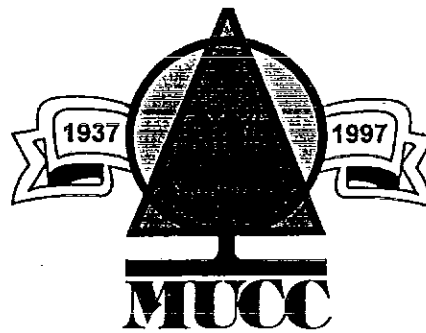
REFERRED TO THE COMMITTEE
ON DEVELOPMENT AND
PLANNING

CITY OF LANSING
NOTICE OF PUBLIC HEARING
IN CONSIDERATION OF AN ORDINANCE
AMENDING CHAPTER 1442.22
THE SIGN CODE
CODE OF ORDINANCES CITY OF LANSING

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD ON NOVEMBER 24, 1997 AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 10TH FLOOR LANSING CITY HALL, 124 W. MICHIGAN AVE., LANSING, MI FOR THE PURPOSE OF OPPOSING AND/OR APPROVING AN ORDINANCE AMENDING CHAPTER 1442, SECTION 1442.22, OF THE CODE OF ORDINANCES OF THE CITY OF LANSING, MICHIGAN FOR THE PURPOSE OF AMENDING THE BILLBOARD PROVISIONS OF THE SIGN CODE

INTERESTED PERSONS ARE INVITED TO ATTEND THIS PUBLIC HEARING.

MARILYNN SLADE
CITY CLERK
LANSING, MI



MICHIGAN UNITED CONSERVATION CLUBS
2101 Wood St. • PO Box 30235 • Lansing, MI 48909 • 517/371-1041

**TESTIMONY OF THE MICHIGAN UNITED CONSERVATION CLUBS
ON LANSING CITY BILLBOARD ORDINANCE**

Submitted by:
Richard L. Jameson, Executive Director
November 24, 1997

On behalf of the more than 120,000 members and 485 affiliates of the Michigan United Conservation Clubs, please accept my strong voice of support for Lansing's proposed billboard controls. I commend the Lansing City Council for addressing the critical need to increase regulations on the outdoor advertising industry in attempt to preserve the unique character of Lansing.

As the city that houses our State Capitol, Lansing has a duty to set an example for the rest of the state regarding the importance of scenic beauty enhancement within the community. Outdoor advertisers have had their way with the Michigan's by littering its roadsides with commercial as large as 5,000 square feet, blocking the view of our state's Great Lakes, forests, sand dunes, and communities like Lansing. In addition to the problem of the offensive content these signs contain, a person traveling down one of Michigan's highways can expect to see billboards that are wider, taller, and more plentiful than ever before. It is obvious that, since nothing is being done at the state level, something needs to be done at the community level.

The current state law that governs the outdoor advertising industry does nothing to protect the scenic beauty of our roadsides, aside from giving local units of government the authority to implement stricter regulations on billboards. The Lansing City Council has realized the importance of protecting the unique character of their community and, in this effort, has taken the initiative granted to them by law to offer reasonable solutions to the city's large growing problem of billboard blight. Some of the key aspects of this city ordinance include:

- Banning alcohol or tobacco advertising 1,000 feet from areas where illegal consumers are likely to be present, including parks, schools and libraries.
- Allowing new billboards only if there are fewer than 50 in the city, or if the applicant agrees to take down three nonconforming signs.
- Increasing distance of billboard placement from buildings, highways and other billboards.
- Setting size limits on signs.

The city of Lansing's proposed ordinance will benefit its community members as well as the visitors of our State Capitol by preserving local scenic charm. It is ironic that Lansing can be designated as a "Tree City USA" and also be the home to approximately 353 aesthetically displeasing billboards. It is time that Lansing recognized the terrible effects billboards have on the community. We hope you will support this ordinance, and that other Michigan communities follow your lead.

Thank you for considering our comments on this important issue.

INTRODUCTION OF ORDINANCE

AMENDING CHAPTER 1442.22
THE SIGN CODE

BY COUNCILMEMBER NOVAK:

THAT AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 1442, SECTION 1442.22, FOR THE PURPOSE OF AMENDING THE BILLBOARD PROVISIONS OF THE SIGN CODE, WAS INTRODUCED BY COUNCILMEMBER NOVAK AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING.

RESOLUTION

RESOLUTION SETTING PUBLIC HEARING

BY COUNCILMEMBER NOVAK:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, THAT A PUBLIC HEARING BE SET FOR MONDAY, NOVEMBER 24, 1997 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, 10 FLOOR, CITY HALL, 124 W. MICHIGAN AVE., FOR THE PURPOSE OF CONSIDERING AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 1442, SECTION 1442.22 FOR THE PURPOSE OF AMENDING THE BILLBOARD PROVISIONS OF THE SIGN CODE

INTERESTED PERSONS ARE INVITED TO ATTEND THIS PUBLIC HEARING

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND SECTION 1442.22 OF CHAPTER 1442 OF THE CODIFIED ORDINANCES OF LANSING, MICHIGAN REGARDING BILLBOARD SIGNS TO: REVISE THE STATEMENT OF PURPOSE; INCREASE ZONING DISTRICTS IN WHICH BILLBOARDS ARE PROHIBITED; LIMIT THE MAXIMUM HEIGHT AND WIDTH OF SIGNS; PROVIDE SETBACK REQUIREMENTS FROM CERTAIN USES AND DISTRICTS, FROM PUBLIC RIGHTS OF WAY INTERCHANGES AND INTERSECTIONS AND FOR ADVERTISING OF ALCOHOL AND TOBACCO PRODUCTS, FROM CERTAIN USES AND DISTRICTS; INCREASE THE MINIMUM DISTANCE BETWEEN BILLBOARDS; AND LIMIT THE NUMBER OF BILLBOARDS TO 50 BUT PROVIDE FOR THE INCREASE IN THIS NUMBER BY REMOVAL OF EXISTING NONCONFORMING OUTDOOR ADVERTISING SIGNS.

The City of Lansing ordains:

Section 1. That Section 1442.22 of the Code of Ordinances of the City of Lansing, Michigan be amended to read as follows:

1442.22 BILLBOARDS

(a) Statement of Purpose. ~~The following regulations are intended to protect the public health, safety and welfare by regulating the location, size, height, spacing and other features of billboards. These regulations are designed to ensure that billboards are not incompatible with other signs and land uses and are not detrimental to the aesthetic quality of the~~

community. Accordingly, billboards shall be permitted only in select nonresidential districts of the City subject to the regulations contained in this section. THE PURPOSE OF THIS SECTION IS TO PROMOTE COMMERCE YET LIMIT THE VISUAL IMPACT OF OUTDOOR ADVERTISING SIGNS ON THE CITY; TO IMPROVE THE APPEARANCE OF THE CITY; TO ENHANCE THE URBAN VISUAL QUALITY OF NEW AND OLDER BUSINESS AREAS; TO INSURE COMPATIBILITY BETWEEN OUTDOOR ADVERTISING SIGNS AND ADJACENT LAND USES; TO LIMIT THE IMPACT OF ADVERTISING SIGNS IN TERMS OF VISUAL SIGN CLUTTER AND CONFUSION IN THE COMMUNITY; TO MINIMIZE DANGER TO THE PUBLIC SAFETY THROUGH DIVERTING DRIVER ATTENTION FROM THE ROAD; TO ENSURE APPROPRIATE PROPORTIONAL SCALE WITH ADJACENT LAND USES AND ADJACENT ON PREMISE SIGNAGE; TO PROMOTE SIGNAGE THAT IS AT EYE LEVEL AND CAN BE READILY VIEWED FROM MOVING VEHICLES WITH THE LEAST AMOUNT OF EYE DISTRACTION; AND OTHERWISE ASSURE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE COMMUNITY.

(b) Permitted Zoning Districts. Billboards are permitted only in the ~~F-Commercial~~, ~~G-2 Wholesale~~, H Light Industrial and I Heavy Industrial Districts, as well as unzoned areas if contiguous properties are zoned F, ~~G-2~~, H or I, and if all other requirements are met.

(c) Area of Billboards.

1 (1) Billboards on a major/principal arterial as defined by the City's Master
2 Plan, as amended from time to time, SHALL NOT EXCEED FOURTEEN
3 FEET IN HEIGHT BY FORTY-EIGHT FEET IN WIDTH AND are
4 allowed a maximum of 672 square feet of sign area. A temporary
5 extension comprising of twenty percent of the allowable area may be
6 added, providing the extension does not extend five feet beyond the
7 perimeter of the sign.

8 (2) Billboards on a minor arterial as defined by the City's Master Plan, as
9 amended from time to time, are allowed a maximum 300 square feet of
10 sign area.

11 (d) Setback.

12 (1) NO BILLBOARD SHALL BE LOCATED WITHIN 500 FEET OF THE
13 CENTER OF AN INTERCHANGE OR INTERSECTION AT GRADE
14 ALONG AN INTERSTATE HIGHWAY OR FREEWAY WITHIN THE
15 CITY. NO BILLBOARD SHALL BE LOCATED WITHIN 250 FEET
16 OF THE CENTER OF ANY INTERSECTION OF TWO
17 MAJOR/PRINCIPAL ARTERIALS OR MINOR ARTERIAL, AS
18 DEFINED BY THE CITY'S MASTER PLAN, AS AMENDED FROM
19 TIME TO TIME.

1 (2) IN THOSE ZONE DISTRICTS WHERE PERMITTED, BILLBOARDS
2 SHALL NOT BE CLOSER TO ANY RESIDENTIAL DISTRICT THAN
3 A DISTANCE OF 250 FEET, OR CLOSER THAN 250 FEET TO THE
4 NEAREST PROPERTY LINE OF ANY PARK, LIBRARY, SCHOOL,
5 CHURCH, HISTORIC DISTRICT OR HOSPITAL. THIS DISTANCE
6 WILL BE MEASURED FROM THE CLOSEST PART OF THE
7 BILLBOARD TO THE NEAREST DISTRICT OR USE REFERENCED
8 HERE.

9 (3) Billboards must comply with the setback requirements of the zoning
10 district in which they are located, and no billboard or any portion thereof
11 shall project over the public right of way or public property.

12 (e) Location. Billboards are only allowed on major/principal arterials and on minor
13 arterials, as defined by the City's Master Plan, as amended from time to time.

14 (f) Temporary Portable Billboard. Temporary portable billboards may be approved
15 by permit for specified time periods.

16 (g) Distance From Other Billboards. Billboards shall comply with spacing
17 requirements of Federal and State regulations, and in no case shall a billboard be permitted to be
18 erected or constructed with ~~400~~ 1000 feet of any other billboard ~~on the same side of the road.~~

19 ~~(h) — Distance From Residential Zoning District. No billboard will be allowed to be~~
20 ~~erected or constructed within seventy five feet of any parcel with residential zoning. This~~

distance will be measured from the closest part of the billboard to the nearest residential zoning district property line.

(H)(i) Height. The maximum height to the top of any billboard shall be thirty-five feet. Unless otherwise prohibited, billboards located on interstate expressways shall be allowed to achieve a height of twenty-five feet above the pavement grade regardless of the total height of the billboard.


(I)(j) Illumination. The light rays from any billboard which is externally illuminated shall be cast upon the billboard and shall not be visible to motor vehicle operators, except as may be reflected from the face of the billboard. No flashing illumination is allowed.

(J) NO BILLBOARD SHALL BE ERECTED AT ANY TIME WHEN THERE ARE FIFTY OR MORE BILLBOARD FACES IN THE CITY. THE CITY MAY GRANT APPROVAL FOR NEW BILLBOARD SIGN FACES BEYOND THE FIFTY LIMIT IN EXCHANGE FOR THE REMOVAL OF THREE NON-CONFORMING OUTDOOR ADVERTISING SIGNS.

(K) NO BILLBOARD ADVERTISING TOBACCO OR ALCOHOL PRODUCTS SHALL BE CLOSER TO ANY RESIDENTIAL DISTRICT THAN A DISTANCE OF 1,000 FEET, NOR CLOSER THAN 1,000 FEET TO THE NEAREST PROPERTY LINE OF ANY PARK, LIBRARY, SCHOOL, CHURCH, HISTORIC DISTRICT OR HOSPITAL. THIS DISTANCE WILL BE MEASURED FROM THE CLOSEST PART OF THE BILLBOARD TO THE NEAREST DISTRICT OR USE REFERENCED HERE.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Approved as to form and for
Placement on the City Council
Agenda:


James D. Smierka, City Attorney
Dated: 11/3/97

